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A RELATION

SOME POLITICAL TRANSACTIONS
IN MARYLAND, 1861-1867.

WITH A BIOGRAPHICAL SKETCH OF
A. LEO KNOTT.

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A. Leo Knott.

A
Biographical Sketch

—OF—

HON. A. LEO KNOTT

WITH

A Relation of Some Political Transactions in Maryland, 1861-1867.

BEING THE HISTORY OF THE
REDEMPTION OF A STATE.

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Maryland

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A BIOGRAPHICAL SKETCH OF MR. A. LEO
KNOTT, WITH A BRIEF REVIEW OF THE
POLITICAL CONDITION OF MARY-
LAND FROM 1861 TO 1868.

Mr. A. Leo Knott is a native of Frederick county, Maryland. He received the first rudiments of a classical education in St. John's College, Frederick, an institution of learning founded and conducted by the Jesuits and of considerable note and prominence in its day.

On the removal of his family to Baltimore he entered St. Mary's College in this city. This College was founded in 1791 by the celebrated Sulpician Order of French Catholic Priests, who had taken refuge in Maryland from the storms of the French Revolution. From this institution, after a six years' course, Mr. Knott was graduated with honor; and he subsequently received from it the degree of A. M. St. Mary's College enjoyed a high reputation among the educational establishments of our country, and numbered among its alumni some of the most distinguished citizens of our own State, as the late Archbishop Eccleston, Governors Bradford and Bowie, Hon. S. Teackle Wallis, Hon. J. H. B. Latrobe, Hon. Frederick W. Pinkney, Hon. Reverdy Johnson, Jr., Francis King, Rev.

Francis E. Boyle, as well of other States, as Governor Roman, Hon. Charles W. Villère, of Louisiana, and Hon. Donelson S. Caffrey, now United States Senator from that State; Bishop Chance, of Natchez, Hon. Charles W. Biddle, of Pennsylvania; Hon. James Glover, of Missouri.

After his graduation Mr. Knott entered on the study of the Law in the office of the late Hon. William Schley, a lawyer of eminent standing in his profession and of extensive practice. While pursuing his professional studies Mr. Knott found it necessary to devote a portion of his time to teaching. He was for a period of two years assistant professor of Greek and Mathematics in his Alma Mater, and subsequently established and for some time conducted a classical school near St. John's Church, in Howard county, known as the Howard Latin School.

Admitted to the bar of Baltimore he formed a partnership with Mr. James H. Bevans, which was dissolved after an existence of two years, since which time Mr. Knott has continued in the practice of his profession in this city, with the exception of a brief interval when he filled an important office in the city of Washington. In 1867 he was nominated by the Democratic party as its candidate for the responsible position of State's Attorney for Baltimore City, and was elected without opposition. He discharged the duties of this office with such

fidelity and acceptance that in 1871 he was renominated and re-elected for a second term of four years, and again renominated and re-elected for a third term in 1875. While holding this office Mr. Knott tried many important cases, both of a civil and a criminal character; some of them involving interesting and important questions of constitutional law, among them the question of the constitutionality of the law of Maryland, taxing the bonds of other States and of municipalities without the State held by our citizens; the constitutionality of which was upheld in the Court of Appeals and in the Supreme Court of the United States; and also the question of the constitutionality of the laws passed by Congress to enforce the XIV and XV amendments to the Constitution, then recently declared as adopted and which laws were known as the Force Bill. In a letter dated Ann Harbor, November 11, 1879, written to Mr. Knott by Judge Thomas Cooley, that eminent jurist and writer on constitutional law expressed his approval of several of the points made by Mr. Knott in a brief in the case of State of Maryland vs. Snyder and others in the United States Circuit Court before Judge Bond against the constitutionality of the provisions of the Force Bill imposing on Federal Judges the duty of appointing supervisors of election and superintending their conduct in the discharge of the duties

as supervisors, on the ground that these provisions did not prescribe any judicial duty or function either at common law or under the grant of judicial power contained in the Second Section of Article III of the Constitution, and that they were an usurpation of the appointing power vested exclusively in the President by the Second Section of Article II of that instrument.

Upon his retirement from this office in 1880, he resumed the general practice of his profession. In 1882 the nomination for a seat on the Bench of Baltimore City was offered Mr. Knott by the Independent party on what was then known as the New Judge ticket, but this nomination was declined by him.

In political views and sympathies Mr. Knott has always been a consistent member of the regular Democratic party; though sometimes in local elections, and when the principles and policies of the party of his choice were not in issue, he has exercised his rights as a citizen and supported independent nominations; of these vital principles and policies, however, he has been in National and State elections a firm and an undeviating supporter.

In 1859 he took part in the reform movement in this city which culminated in the deliverance of our State and City from the hands of the Know-Nothing party. In the memorable campaign of 1860, Mr. Knott

first took an active part in politics. Seeing the division of his party on the issues raised in the Democratic National Convention, which assembled in Charleston, in April, 1860, inevitable, he determined to investigate and to decide for himself on which side the right lay and whither duty called him. For this purpose he made several visits to Washington in the interval between the adjournment of that convention at Charleston and its reassembling in Baltimore and listened to the discussions in the Senate on the famous resolutions reported by the Committee of Thirteen on the subject of slavery in the Territories, the rights of the people of the States therein, and the policy pursued by the Democratic party with relation to this exciting question. He was present at the great debate between Judge Douglas and his celebrated antagonists, Mr. Davis, Mr. Benjamin and Mr. Toombs. He became convinced that whatever might be the abstract right of secession—if there were any such right at all under the Constitution—the circumstances of the situation and of the country did not justify or call for its exercise; that the attempt could only lead to civil war and bloodshed; and that the secession of the Southern States from the Democratic party meant, and must necessarily by the irresistible logic of events lead to, the secession of those States from the Union. On the split in the Democratic

party, which subsequently took place at the Front Street Theatre, Baltimore, (where Mr. Knott was in attendance as a member of the Committee of Arrangements on the part of the Democratic City Convention) he actively and warmly espoused the cause of Judge Douglas, not only as the regular Democratic nominee entitled to the support of the party, but because he believed that nominee best represented the principles and traditions of the Democratic party; and for the further reason that the election of Judge Douglas would constitute the only barrier against disunion and civil war. But the disruption of the Democratic party at Baltimore had assured, as it was intended to assure, on the part, at least, of some of its promoters the success of the Republican candidate. Mr. Lincoln was elected. And then in rapid succession transpired those events which every student of history, every intelligent inquirer into the motives and springs of human conduct, every impartial observer, who could keep his mind free from the heats and delusions of the hour, foresaw would happen. The Southern States, one after the other, with the exception of the border States, Delaware, Maryland, Kentucky and Missouri, passed ordinances of secession and went out of the Union; the Government of the Confederate States was launched into being at Montgomery, Ala., and war between the States

was begun. After the war became flagrant, however, and the choice lay between the belligerent North and the belligerent South, Mr. Knott's feelings and sympathies were with his State and section, whatever may have been the inclinations of his judgment as to the ultimate result of the conflict, and he declined to unite with the Republican, or as it was then designated in Maryland, the Unconditional Union party. He felt convinced that, whatever might be the professions then put forth by that party, or the patriotic motives which might inspire its members, the course of events then rapidly developing would sweep that party sooner or later on to a course of policy and to the adoption of measures towards the Southern States, outside of the Constitution, which neither his judgment nor his conscience could approve. Events justified this conviction.

It was believed by many at the time, that, if peace could be preserved for ninety days, and the people of both sections have time and opportunity fully to realize the gravity of the situation into which they had been plunged by rash and intemperate leaders on both sides :

“ Daring pilots in extremity,

Pleased with the danger, when the waves went
high ;”

they would repudiate that leadership, and war with its inevitable horrors might be averted, and the Union preserved.

But the extremists on both sides were eager to precipitate the conflict; the ultra secessionists, in the belief that the firing of the first gun would sunder forever the bonds of the Union; the abolitionists, that it would prove the death-knell of slavery. Wide as the poles apart on every other public question, these two parties, numbering but a small fraction of the whole people, were one in the sentiment that a blow must be struck. They were gratified; but at what a cost of blood and treasure! Events demonstrated that the abolitionists were wiser and more far-seeing in their forecast of the results of the conflict. For after all with them were the irresistible tendencies of the times, the deep irreversible drift and current of public sentiment throughout the civilized and Christian world; whatever might be the political considerations and commercial interests which might for a time be arrayed on the other side. This public opinion the Southern States challenged in departing from the Union and proclaiming the sentiment that "Cotton was King," they were crushed by it.

CHAPTER I.

THE REVIVAL AND REORGANIZATION OF THE DEMOCRATIC PARTY IN MARYLAND IN 1864.

*History of the Adoption of the Constitution of
1864 and of the Action of the Democratic
Party in Opposition to that Instrument.*

In 1864, the Democratic party of Maryland, which had been suppressed by the Federal troops during the Civil War, was reorganized under the leadership of ex-Gov. Thomas G. Pratt, Judge Richard B. Carmichael, Col. John F. Dent, Oliver Miller, Oden Bowie, Daniel Clarke, Col. James T. Briscoe and others, at a meeting held in the city of Annapolis in February of that year. At this meeting Mr. Knott was present by invitation and took part in its deliberations. A committee was formed to carry out the purposes of the meeting. This committee afterward became merged in a State Central Committee to take charge of the interests of the Democratic party of the State, of which committee Col. (afterwards Gov.) Oden Bowie was made chairman and Mr. Knott was appointed secretary. This committee, which gradually attracted to its active membership many of the most distinguished Democrats of the State, aimed:

First, to prevent, if possible, the success at the polls of the call for a convention to frame a new Constitution for the State. A bill providing for the submission of such a call to the people was then pending in the Legislature and was, as anticipated, subsequently passed by that body. This measure was opposed by the Democratic party on the grounds that no fair election could be held under the circumstances in which the State was placed; that the convention, if assembled, would not represent the sentiments or interests of the people, but rather the passions and antagonisms engendered by the conflict of arms in the midst of which we were; that the political disabilities, which had already been imposed on the people by legislative enactment and military authority, would, there was reason to believe, be incorporated in the organic law which would be framed by that convention, and that the Constitution of the State, which should be the inviolable charter of a people's rights, would thus be perverted into a permanent instrument of tyranny and oppression.

Secondly: To put the Democratic party of the State in full accord with the Democratic party of the country as constituting the only safeguard of the rights, liberties and interests of the people, seriously menaced by the radical and revolutionary influences which had secured the supreme con-

trol of the Republican party. This object derived additional significance from the consideration that events now portended the ultimate, if not speedy, overthrow of the Confederate government.

Thirdly: In the event of the adoption of the proposed Constitution by the disfranchisement of its opponents, to begin at once an agitation against the proscriptive features and political disabilities which the friends and advocates of that measure openly avowed it was their intent and purpose to insert in the instrument, and which were inserted according to their program, and to prepare the public mind at some time in the near future, either for an entire change of the organic law or for the removal of its proscriptive and obnoxious provisions.

In the first of these objects this committee failed. Their efforts to bring out a full vote against the call for a convention and subsequently against the adoption by the people of the Constitution, which was the offspring of that body, were frustrated by the simple but effective expedient of disfranchising a large part of the Democratic vote of the State.

On the 11th of June, 1864, Mr. Knott as secretary of the committee appointed at Annapolis, published in the daily papers of Baltimore a call addressed to the Democratic voters of the city, requesting them to meet in their respective wards, and to send five

delegates from each ward to a City Convention to be held at Rechabite Hall. Among other business it was the duty of this convention, when assembled, to send a delegation to represent the city in the Democratic State Convention, called under the same authority, to meet in Baltimore on the 16th of June. This was the first call issued to the Democratic party of the State since the beginning of the war.

Both the City and State Conventions assembled in pursuance of this call and were fully attended. This City Convention met at 5 o'clock in the afternoon at Rechabite Hall, on the corner of Gay and Fayette streets. That hour was selected because it was not deemed safe or prudent under existing conditions to hold the meeting in the evening. Dr. John Morris, a prominent citizen and physician of Baltimore, who had been Postmaster of the city under Mr. Buchanan, and had filled several positions of honor and trust in the city and State administrations, under Democratic rule, presided and took an active part in the movement thus inaugurated. Among the members of the convention were William Kimmel, Albert Ritchie, J. A. L. McClure, Edward J. Chaisty, Jr., John T. Gray, Mr. Joseph S. Heutisler, Augustus Albert, J. Q. A. Robson, John Strible, Dr. Milton N. Taylor, Jesse Morrison, William Black, George F. Thompson, James E. Carr, Rob-

ert Renwick, William H. Perkins, James R. Brewer and Samuel I. Smith. The State Convention met at the New Assembly Rooms on the corner of Hanover and Lombard streets; Col. Oden Bowie was chairman. The latter body sent a delegation to represent the Democracy of the State in the National Democratic Convention, which was to meet in Chicago on August 27, 1864. Mr. Knott was a delegate to these three, City, State and National Conventions. He took an active part in their respective proceedings and was chairman of a local committee for Baltimore City appointed by the State Convention.

The National Convention nominated Gen. George B. McClellan and Hon. George H. Pendleton as the candidates of the Democratic party for the offices of President and Vice-President of the United States. For reasons growing out of the action of General McClellan in our State at the beginning of the war, in carrying out the orders of the President for the arrest of several distinguished citizens of our State, holding at the time official positions, a most arbitrary and high-handed proceeding, his nomination was unacceptable to some of the Democrats of the State; and several gentlemen who had taken part in the movement now fell away from it. But the Democratic State Convention, which assembled in Baltimore on the 29th of September, ratified these

nominations with great unanimity. Subsequently on the 28th of October, 1864, another Democratic State Convention met in Baltimore and put an electoral ticket and full State ticket in the field. At the head of the electoral ticket were the Hon. William Schley, of Baltimore, and Hon. John R. Franklin, of Somerset.

Hon. Ezekiel F. Chambers, of Kent county, was nominated as the Democratic candidate for Governor and Hon. Oden Bowie, of Prince George county, as candidate for Lieutenant Governor, Hon. Bernard Carter, of Baltimore, as Attorney General, and A. Lingan Jarrett, Comptroller. At a District Convention held in Baltimore on the 29th of October, 1864, Mr. Knott was nominated as the Democratic candidate for Congress for the Third Congressional district. Early in October an active canvass had already been begun in support of the candidates of the Democratic party for President and Vice-President, and also for the purpose of arousing and concentrating public sentiment against the Constitution, which had just been framed by the State Convention, and which was to be submitted to the people, at an election specially provided in that instrument to be held in the city of Baltimore on the 12th day of October, 1864, and in the counties on the 12th and 13th days of the same month. The campaign now proceeded

with increased spirit and vigor. The State was then under military rule, and both the State and City governments were wholly in the possession of the Republican party. For these reasons, though it was a well-known fact, and conceded even by the very violence of the measures resorted to defeat it, that the Democratic party was in a majority in both State and City the outlook was not encouraging. But a duty was to be performed without regard to results, and under circumstances the most adverse a gallant fight was made.

Meetings were called and the city and State partially canvassed. But mobs frequently dispersed these meetings and assailed the citizens who attended them. The offices of several Democratic newspapers were raided by soldiers, the property destroyed and their editors arrested and imprisoned. Some of these gentlemen were sent beyond the lines; others compelled to take ^{the} oath of allegiance and to give security against the publication of unauthorized news of the army movements or of what was then termed "disloyal sentiments." What were "disloyal sentiments" was not defined by any law or left to be determined by judicial tribunals. The definition of the phrase lay altogether in the breast of the commander of the military department, to be applied by him in each case as he thought fit, or of the Secretary of State, or of War, or of the Pro-

vost-Marshal, or of a policeman sometimes, or of an informer who always wore the cap of invisibility and consequently of irresponsibility; he might be your dearest friend or your dearest enemy. There was a notable instance of this sort of partisan violence in the case of a Democratic mass meeting attempted to be held at Maryland Institute Hall, Baltimore, on the 4th of November, 1864. There was a large attendance. Gen. Lewis Wallace (he of Ben Hur fame) was then in command of the military department. Induced, it was said by information given him by some local politicians as to the character and objects of the meeting, he had ordered a company of Federal soldiers to take possession of an armory situated on the corner of Baltimore and Frederick streets and belonging to a volunteer military organization of the city. About 8 o'clock, just as the meeting was called to order by Mr. (now Judge) Albert Ritchie, the chairman, some of these soldiers mingled with the mob, which wholly unchecked by the police, of which there was a large number scattered through the audience, broke into the Hall and quickly dispersed the meeting. Some of the officers and speakers of the meeting were compelled to seek safety by escaping by means of a rope from the rear hatchway of the Institute on Second street. Two of the gentlemen who made their exit

from the Hall in this suddenly improvised manner received painful injuries.

The absurd story reported to have been told General Wallace on this occasion, was that those who got up the meeting intended to seize this armory and the guns and ammunition stored in it and attack the United States forces then garrisoning the city with the view of creating a diversion of troops from the Army of the Potomac, and thus aid the cause of the rebellion. It is almost impossible to believe that General Wallace could have been imposed upon by so transparent and preposterous a falsehood which would seem to have exceeded the utmost bounds of credulity. But in those days of internecine strife and civil confusion there was no invention of fear or malice too absurd for belief by those who wished to believe and who at the same time wished to make that belief the ground of proscription of their political opponents. It is more credible that he may have thought it better to allay in this manner the apprehension of his informants and their friends, whose patriotism or timidity was continually getting the better of their good sense and veracity, as well as on his part, perhaps, out of abundant caution, to take the proverbial ounce of prevention by seizing this armory and allowing his soldiers to lend a hand in the dispersion of an alleged "disloyal" meeting.

The Constitution was defeated by the people of the State, the majority against it being two thousand. But that instrument contained a provision directing the taking of the votes of the Maryland troops in the field. It is needless to say on which side that vote was reported to be cast. It took ten days to collect and return the soldiers' vote. On the 24th of October the final returns of this vote were announced to be twenty-two hundred and ninety-four for the convention and seventy-six against it. This wiped out the popular or home majority against the Constitution and left a small majority in its favor. The Constitution further provided that if the Governor, to whom the returns were to be made, was satisfied that the Constitution had been ratified, he should so declare by proclamation, in order that the Constitution should go into effect on the 1st day of November, 1864.

A sub-committee of the Democratic State Central Committee, of which Judge Chambers was chairman, had in the meantime called on Governor Bradford and filed with him a remonstrance and protest against counting the soldiers' vote on the ground that under the Constitution of 1851, still the existing fundamental law, no election could be held outside of the State; that voters must cast their ballots at the polling places of their legal residences; that the new Constitution could not confer these privileges

claimed for the soldiers since that instrument had not yet been adopted by the people, and might never be adopted; and on the additional ground that there were many and manifest frauds and irregularities in the returns of the soldiers' vote; and the committee demanded an opportunity to inspect and canvass these returns. Hon. William Schley, I. Nevett Steele and Thomas S. Alexander appeared for the Democratic State Central Committee before the Governor; Hon. Henry Winter Davis and Mr. Henry Stockbridge represented the Republican party. The protest was unavailing. A Democratic State Convention which met in Baltimore on October 28th, and of which Col. Oden Bowie was chairman and Mr. Knott secretary, protested against the action of Governor Bradford but in vain. On the 29th of October the Governor issued his proclamation declaring the ratification of the Constitution by the people; the vote being thirty thousand, one hundred and seventy-four for the Constitution and twenty-nine thousand, seven hundred and ninety-nine against it; the majority being the very narrow one of three hundred and seventy-five. The deed, involving the wholesale spoliation of the rights of property, the impoverishment of thousands of our fellow-citizens and the disfranchisement of a majority of the voters of the State, was consummated. It is due to truth and can-

dor to add in this connection, and the fact should be put on record, that but for the conduct of some Democrats in Baltimore City of note and prominence, some of them the eager, solicitous and successful aspirants for the offices and honors of the party in the days of its former prosperity and who became such aspirants again after its restoration to power in 1867, this Constitution would have been defeated; and the people of the State spared the long and arduous struggle which ensued for the recovery of their political rights. Some of these gentlemen not content with declining all participation in the movement which had been set on foot without their consent, exerted their influence to deter others from entering into it, and unfortunately in many instances with success. This extraordinary conduct, so little to be looked for considering the political antecedents of these gentlemen, was in marked contrast with the uniform conduct of the Democrats throughout the counties who gave that movement their active and energetic support.

The Presidential and State election took place on Tuesday, November 8th, under the new Constitution thus proclaimed as adopted. The Fourth Section of Article I of this instrument was a wholesale bill of pains and penalties, of exclusions and proscriptions against the Democratic voters of the State. This section provided that "No

person who has at any time been in armed hostility to the United States, or the lawful authorities thereof, or who has been in any manner in the service of the so-called "Confederate States of America" and no person who has voluntarily left this State and gone within the military lines of the so-called "Confederate States of America" with the purpose of adhering to said States and armies, *and no person who had given any aid, comfort, countenance or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States either by contributing to the enemies of the United States or unlawfully sending within the lines of such enemies money, or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor, profit or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into the military service of the United States, and been honorably discharged therefrom, or shall be on the day of election actually and voluntarily in*

such service, or unless he shall be restored to his full rights of citizenship by an Act of the General Assembly passed by a vote of two-thirds of all the members elected to each House; and it shall be the duty of all officers of Registration and Judges of Election carefully to exclude from voting or being registered, all persons so as above disqualified; and the Judges of Election at the first election under this Constitution shall, and at any subsequent election may administer to any person offering to vote the following oath or affirmation: I do swear or affirm that I am a citizen of the United States, *that I have never given any aid, countenance or support to those in armed hostility to the United States; that I have never expressed a desire for the triumph of said enemies over the arms of the United States,* * * * *and I make this oath or affirmation without any reservation or evasion, and believe it to be binding on me; and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote; and any person swearing or affirming falsely shall be liable to the penalty of perjury.*

Section 7 and Section 8 of Article I were equally severe in their proscriptive requirements. By Section 7 it was required that "Every person elected or appointed to any office of trust or profit under this Constitution or under the laws made pursuant

thereto, before he shall enter upon the duties of such office shall take and subscribe the "an oath or affirmation" which required the affiant among other things to declare "That I have never directly or indirectly, by word, act or deed, given aid, comfort or encouragement to those in rebellion against the United States." By Section 8 it was provided that "Every person holding any office of trust or profit under the late Constitution or under any law of this State who shall be continued in office under this Constitution or under any law of the State shall within thirty days after this Constitution shall have gone into effect take the oath set forth in Section 7 of this Article," and on failure to do so his office was declared *ipso facto* vacant.

It is manifest from these sections that it was the intent and purpose of their authors to *exclude forever, or so long as the constitution they were framing should endure*, all persons who had committed the acts or entertained or expressed the sentiments, denounced in these sections, from all share and participation whatever in the political government of the State, and thereby to secure and perpetuate the rule and supremacy of the Republican party. With the malignant and painstaking industry of inquisitors they sought to probe the conscience of the voter and to compel him under the penalties of perjury to lay bare his

inmost thoughts and to make such disclosures thus forced from him matters of crimination and exclusion against him. One reads these sections now with amazement. Democrats of that day also read them with amazement, not unmingled, however, with fear and apprehension. The authors of these disqualifying and expurgatory clauses seem to have gone back two or three centuries, to the days of civil and religious intolerance for examples and precedents. They read like sections from the penal statutes of England or of a decree of the Parliament of Paris, or of an edict of Philip II. of Spain, in the sixteenth century. The terms employed are as broad and comprehensive "as the casing air," as the most searching and malignant ingenuity could suggest or the English language could furnish. But this was not all. They were open to the widest and wildest expansion by construction by the officers of the Registration and Judges of Election in their discretion. These officers charged with the administration of a law on which depended the dearest rights of freeman, but selected for their notorious and unscrupulous partisanship, were instructed in these sections not to regard as conclusive the oath taken by the voter, but to go beyond it in their inquiries into his mind and conscience. All the dictates of humanity, all the ties of natural love and affection, all the sweet and sooth-

ing offices of friendship were reprobated and ruthlessly aimed at and stricken down by these provisions. It was well known that thousands of the citizens of Maryland had fathers, brothers, sons or friends in the armies of the Confederate States. By any communication with these relatives or friends, by any "aid or comfort" given them, by any expression of a wish for their safety, or success when they stood on "the perilous edge of battle," the party so offending contracted the deadly guilt of disloyalty, and incurred as a consequence the loss forever of all his political rights and privileges. A system of espionage, a body of informers was necessary to round out and complete this constitutional bulwark against "incivism," as the "terrorists" of the French Revolution characterized such acts of love and friendship, nor were these wanting, as many a Democratic voter of that time could bear witness.

That the officers of registration and Judges of Election were willing and prepared to execute these provisions of the Constitution in the vindictive spirit in which they were conceived was abundantly demonstrated.

At the meeting of the Judges of Election of the city of Baltimore held on Friday, November 4, 1864, it was on motion of Mr. E. L. Thomas among other things unanimously resolved:

1. That the simple taking of the oath should not be deemed conclusive evidence of the loyalty of the party (i. e. applicant to vote).

2. That the judges be instructed to put such other questions to voters outside of the oath as shall satisfy them that the party offering to vote is not a rebel or a rebel sympathizer.

3. That the judges be requested to commit to the custody of the police any person offering to vote who in their opinion had sworn falsely.

It will be seen that these resolutions went far beyond the requirements of the fourth Section of Article I of the Constitution, severe as they were in their denunciations; they outraged all law and every sentiment of justice. Under their operation the unfortunate Democratic voter was indeed "*put to the question*" as that term was employed by Torquemada and his familiars, or by the ministers of the penal laws in the reigns of Elizabeth and James the First.

Mr. John L. Thomas, the State's Attorney at that time, was present and advocated the adoption of these resolutions. One of the judges, a Reverend Mr. Jarboe, not only supported the resolutions and bestowed his benediction in advance on the political *autos-da-fe* of Democrats proposed to be celebrated on the ensuing election day, but offered an additional resolution of so stringent and extreme a character, however, that it shocked even the callous sensibilities of the laymen present and they left his

resolution to be acted on by the judges *in their discretion*.

There were, according to report, out of the two hundred and forty Judges of Election just exactly seventy present at this meeting, but the absent Judges on the day of election acted on these resolutions, so that they may be regarded as the accepted and authoritative exposition of the 4th Section of Article I of—the creed of the Republican party. Mr. Lincoln was returned as having received a vote of fourteen thousand eight hundred and thirty-four against a vote of two thousand seven hundred and seventy-six for General McClellan, the total vote of the city being only seventeen thousand six hundred and ten.

As the total vote of the city of Baltimore in the Presidential election of 1860 four years before, when every voter exercised his right without fear or favor, was thirty thousand one hundred and fifty-five, and as the total vote in 1867, three years after Mr. Lincoln's re-election in 1864, when there was, as is known and admitted, a thoroughly fair and honest expression of public sentiment, was twenty-four thousand seven hundred and fifty-six—the Democratic majority being fifteen thousand and fifty-six—we may form some estimate of the number of Democratic voters of the city of Baltimore disfranchised in the election of 1864.

The Republicans carried their electoral

and State tickets by five thousand majority in the State. Outside of the city they were defeated. The election on the adoption or rejection of the Constitution in the previous October had gone against them on the popular vote. They were put on their guard by this result so unexpected on their part, and which had made them hustle in the camps and among the camp followers to overcome it. They realized that to a party in the minority the unscrupulous exercise of power is the price of success.

It was some time after admitted to the writer of this sketch by a distinguished gentleman once high in the councils of the Republican party and of the country, that the Democrats carried the State at this election, and also defeated the Constitution in October; but that the imperious necessities of the war, 'the rule, *Salus reipublicae suprema lex*—a maxim often perverted to the worst purposes of tyranny, to the overthrow more frequently than to the salvation, of republics—required the defeat of General McClellan and the success in a non-seceding Southern State of a Constitution which abolished slavery. An apprehension began to be felt lest the war should end without the total extinction of slavery. The emancipation proclamation of Mr. Lincoln of January 1, 1863, did not extend to the States of Delaware, Maryland, Kentucky and Missouri, which, though subjected to military rule,

and to treatment as disloyal communities and to all the ravages of Civil War, had not passed acts of secession and made war against the Union. If therefore these States could be induced either voluntarily, or by the exertion of military constraint or political pressure to abolish that institution, it would be a great point gained and would relieve the country and the Republican party from a grave and embarrassing situation in the future. Maryland was therefore to be constrained to point the way which the other three States must follow.

Thus was the Democratic party of Maryland after an interregnum of four years resuscitated, and started again on a career, which though marked in its early stages by trials and defeats, was destined in the end to be crowned with success.

CHAPTER II.

FEDERAL INTERFERENCE IN MARYLAND ELECTIONS—MR. LINCOLN'S CONNEC- TION WITH EMANCIPATION IN THAT STATE AND WITH THE FRAMING AND ADOP- TION OF THE CONSTI- TUTION OF 1864.

That the interference of the Federal troops with the elections held in Maryland during the war, especially in 1863 and 1864, was authorized and sanctioned by President Lincoln is made clear by reference to the correspondence between the President and Governor Bradford on that subject to be found in the elaborate life of Mr. Lincoln by Mr. John Hay and Mr. John G. Nicolay, vol. 8. pages 450, 462, 463. In order to understand fully the bearing and significance of this correspondence it is necessary to premise a few observations on the political condition of the State at that period.

The disruption of the Democratic party at Baltimore in 1860, and the fact that the large majority of the voters of that party supported the Breckenridge-Lane ticket in the election of that year, had undoubtedly predisposed the minds of many in our State for the secession movement which took

place immediately after that election, as a necessary consequence of that disruption. This disposition was further encouraged and strengthened by the visits of commissioners from several of the Southern States and also by numerous public meetings held during the winter of 1860-1861 in Baltimore, notably at Maryland Institute Hall and Taylor's Hall, Fayette near Calvert street. At these meetings addresses of a passionate and exciting character were made by gentlemen, some of whom were frank and outspoken in favor of Maryland casting her lot with her sister States of the South at once; while others had no other object in view than to spread their sails to the popular breeze, blow from what quarter soever it might, which promised to waft them into the safe and pleasant havens of office, to which they had become accustomed by long continued occupation. This latter class as is usual with the insincere and selfish were the more violent and intemperate in their harangues.

Unfortunately for themselves and still more so for many of their hearers, the standards by which some of these gentlemen were used to gauge public opinion were unequal to the task of measuring the great and profoundly pregnant events, in the midst of which they, all unconsciously, were playing their little parts. While anticipating a prosperous voyage over a

comparatively smooth sea only to be disturbed a little, perhaps, by the ripples of a shortlived agitation, they were suddenly struck by the awful storm of Civil War, and the places which had known them knew them no more—that is for seven or eight years—until the storm had wholly abated, the waters of the deluge had gone down, and they felt the *terra firma* of assured official position safe under their feet. A majority of the people of the State were at the beginning of the war opposed to secession and so remained, there is every reason to believe, to its close. But a majority was equally opposed to the war made on the South, believing and rightfully believing, that a union achieved by force and cemented by blood was not the union formed by the founders of the government, and that the mere contemplation of such union would have been as abhorrent to those founders, as it was to themselves. In this belief the people of Maryland remained firm and constant without regard to the fine spun theories and speculations of lawyers and politicians about the abstract right of secession on the one side, or about the constitutional duty to defend what was termed the nation's life on the other; but taking their ground on the broad principles of the Declaration, that all governments derive their just powers from consent of the governed, and that when any government becomes destructive

of the ends for which government is instituted—the protection of the unalienable rights of life, liberty and the pursuit of happiness—it is the right of the people to alter or abolish such government and institute a new government. By the light of these great and indefeasible principles the people of Maryland could see no right or justice in the war between the States.

But in times of civil commotion and internecine strife reason and judgment, like the laws, are silent. In such times,

“ The genius and the mortal instruments
Are then in council, and the state of man,
Like to a little kingdom suffers then
The nature of an insurrection,”

and the voice of passion and of tumult is alone heard.

This attitude of the people brought upon our State first the censure, and then the active hostility of the administration at Washington. The State was promptly taken possession of by the military forces of the United States, a large number of its prominent citizens arbitrarily arrested and imprisoned; its legally constituted authorities either suppressed or permitted to discharge their duties and functions only in subordination to, and at the let and hindrance of those forces. There was indeed a complete overthrow of all constitutional and legal government in Maryland, as much so as if the State had gone into the rebellion.

A military rule was established whose chief officer was a Provost Marshal acting under orders from a Major General commanding the department. The liberty, the property, even the very lives of our citizens were at the discretion of an irresponsible personal dictatorship with an appeal only—not to the laws and established tribunals of the land, but to the President at Washington or his Secretary of War. It is true after a while the ordinary civil tribunals when reconstructed in their personnel by military force, and put in the hands of loyal men, were permitted to relieve the military authorities of a share of the responsibility of conducting the government; but it was only a permission extended, which at any time might be withdrawn if occasion required, or political or military necessity dictated. Such was the political condition of Maryland during the Civil War. As that war progressed and the policy of the Republican party developed and became more and more pronounced in its hostility to the South and to the institution of slavery, division appeared in the ranks of that party here in Maryland. It became divided into two factions. One was known as "The Union party" simply; it was conservative in character, was opposed to meddling with the institution of slavery in the State, and also to the high handed courses pursued by the Government in

dealing with the loyal State authorities. It was headed by Governor Bradford, Hon. Thomas Swann, William H. Purnell, Edwin Webster, Mayor Chapman, J. V. L. Findlay, Judge William Alexander. The other faction went by the name of the "Unconditional Union party," and, as its name imparted, was radical and revolutionary in its character. It favored and supported any and every measure favored and supported by the Government at Washington and deemed by that government necessary or advisable to suppress the rebellion. The leaders of this faction were Hon. Henry Winter Davis, J. A. J. Creswell, Judge Bond, Henry Howes Goldsborough, Archibald Sterling, Jr., Henry Stockbridge, Stockett Mathews, and it embraced a majority of the rank and file of the party, especially in the counties. In obedience to the command of the authorities at Washington, as well perhaps as in accordance with the convictions of some of its leaders, this party favored the abolition of slavery in the State by constitutional action, and to this party for that reason Mr. Lincoln lent his all powerful influence. It was mainly on this issue of abolishing slavery in the State that the division had taken place.

In November, 1863, an election was to be held for a State Comptroller and for members of the General Assembly of the State. It was important for the radical faction to

secure a majority in that body in order to enable it to carry out its policy of emancipation by passing a bill for calling a convention to frame a new Constitution for the State. This election furnished an opportunity for the two factions to make a trial of their strength. They each nominated a candidate for Comptroller. The Conservative or Union candidate polled 15,982 votes; the Radical or Unconditional Union candidate 36,360. The contest was quite bitter. The Radicals claimed to represent the wishes and to carry out the policy of the administration, and strange to say charged their opponents with a want of loyalty. Hon. Thomas Swann, chairman of the Republican State Central Committee, wrote a letter dated October 26, 1863, to President Lincoln, complaining that "*union voters had a suspicion that the election would be attended with undue influence on the part of persons claiming to represent the government.*" Mr. Lincoln replied disclaiming any desire to interfere. In view of extracts from some of Mr. Lincoln's letters of about the same date, hereafter given, this disclaimer is, to say the least, a little singular.

In October, 1863, a few weeks before the State election, Gen. Robert C. Schenck, then Military Commander of the Department of Maryland, issued the following orders:

1. *That provost marshals and other military*

officers should arrest disloyal persons found at or hanging around the polls or places of election.

2. That provost marshals and other military officers should support judges of election in requiring an oath of allegiance to the United States as a test of citizenship of any one, whose vote may be challenged on the ground that he is not loyal.

3. That provost marshals and other military officers should report judges of election refusing to require such oaths.

Vol. 8, Chap. XIX, pp. 462, 463, of Hay and Nicolay's *Life of Lincoln*.

General Schenck had also informed the President by letter that the Union men in the State had assured him (Schenck) that they would not attend the polls or run a ticket without the assurance of military protection. Ibid, 463.

And this demand for military protection at the polls was made at a time when the Union men of the State, conditional and unconditional alike, were proclaiming to the outside world that a great majority of the people of the State were cordially with them in sentiment and feeling; when the National State and City Governments with their vast machinery were wholly in their hands, and every quarter of the State was occupied by United States troops. There was false representation in one or the other

of these two wholly irreconcilable statements.

The test of loyalty also became more severe and exacting in consequence of this division in the Republican party. To be deemed truly loyal it was no longer sufficient to take the oath of allegiance, to support the Government, to vote supplies for the war, to urge its unrelenting prosecution until the last rebel in arms disappeared—killed or captured—to hold an office or to secure a contract. These had become old and unsatisfactory criteria of loyalty. The very salt had lost its savor according to this new theory. The voter or the candidate had to be loyal according to the pattern prescribed at Washington, and that pattern was to obey the orders received from the Capital, through the Military Commander, or the Provost Marshal, unargued and without question.

Governor Bradford was a thoroughly loyal citizen and Chief Magistrate, a sincere and an honorable gentleman. He had given abundant evidence of his devotion to the cause of the Union in his office, and was known as one of the famous "War Governors." Yet he thus saw his authority and the laws of the State summarily set aside and himself disparaged by these wholly illegal orders of a military commander from the State of Ohio. He bore it ill that he should thus be treated after

all his services and sacrifices, and addressed a communication to President Lincoln, protesting against these orders as an usurpation and a contempt of his authority and an insult to the people of the State. This appeal and protest met with a response from Mr. Lincoln in a reply dated November 2, 1863, which is to be found on pages 462, 463 of Vol. 8 of the Hay and Nicolay biography. In this letter the President fully approved of and sustained, with but slight and wholly immaterial changes, the orders of General Schenck and thus made these orders his own. He says to Governor Bradford: "*Your suggestion that nearly all the candidates are loyal, I do not think quite meets the case. In this struggle for the nation's life, I cannot so confidently rely on those whose election may have depended on disloyal votes. Such men when elected may prove true, but such votes are given them in the expectation that they will prove false. Nor do I think that to keep the peace at the polls and to prevent the persistently disloyal from voting constitutes a just cause of offense to Maryland. If I mistake not, it is precisely what General Dix did;*"—and here Mr. Lincoln administered a sly dig, a *tu quoque* which admitted of neither reply or response, to the Governor, anent his election two years before over Gen. Benjamin C. Howard—"when your Excellency was elected Governor in 1861." So sustained and upheld by Pres-

ident Lincoln over and against the protest of the Governor of the State, a man of unimpeachable loyalty and of distinguished services in the Union cause, General Schenck and his "*provost marshals and other military officers*" conducted and supervised the elections in Maryland in the fall of 1863, with the result that a large majority of the members elected to the Legislature were of the most radical character.

Extreme measures were adopted during the ensuing session of that body of 1864. A registration act, bristling with pains and penaltics, was passed, as was also a bill submitting a call for a convention to frame a new Constitution for the State; and, to put the success of this measure beyond all peradventure, every precaution was adopted that ingenuity could suggest to prevent the intrusion into the ballot box of Democratic votes against it. Indeed this was the crucial measure. To vote for the Bill and afterward to vote for the Constitution became the supreme and only test of loyalty. It made no difference what might have been an individual's services and sacrifices, though he had given all his substance to the cause of the Union and poured out his blood like water, he was but tinkling brass and a sounding cymbal, unless he gave his voice and his vote for the call for a convention and for the constitution the convention framed, for by these measures slavery was

abolished in the State. It was for this reason that Mr. Lincoln gave these measures and the party in the State that advocated them his warm and active sympathy and support. Indeed his biographers claim for him the supreme merit of having "*prompted*" the whole movement. See Vol. 8, page 465, Hay and Nicolay's Life.

That this is true admits of no doubt after reading the letter of Mr. Lincoln to Mr. J. A. J. Cresswell, a distinguished leader of the radical wing of the party and a senator in Congress. In this letter, dated March 17, 1864, Mr. Lincoln says: "*It needs not to be a secret that I wish success to emancipation in Maryland. It would aid much to end the Rebellion. Hence it is a matter of national consequence in which every national man may rightfully feel a deep interest. I sincerely hope the friends of the measure will allow no minor consideration to divide and distract them.*"

This was written while a bill for a convention was still pending in the Legislature, where it was fought with untiring zeal and courage by a small Spartan band of Democrats led by Oliver Miller of Anne Arundel, and Col. John F. Dent of St. Mary's.

After the convention had completed the task set it by the President, and its work, the Constitution, was before the people of the State for ratification or rejection, Mr. Lincoln, in answer to an invitation from

Hon. Henry W. Hoffman, then Collector of the Port of Baltimore, to send some word of encouragement to a meeting to be held in that city in favor of ratifying the Constitution, wrote a letter dated October 10, 1864, in which he observed "*that he only felt an interest in the provision in that instrument (the Constitution of 1864), abolishing slavery. I desire it on every consideration, and I shall be gratified exceedingly if the good people of the State shall by their votes ratify the Constitution.*" Vol. 8, page 467, Hay and Nicolay's Life.

The biographers add:

"The election proved one of the most closely contested elections during the war. Rigid provisions had been adopted to prevent disloyal persons from voting, and liberal provisions had been made for taking votes of Maryland soldiers on the question in the camps or stations where they might be serving. The result of the vote was 30,174 for the Constitution, 29,799 against it. A majority of only 375 out of a vote of 60,000, a very narrow majority. But, however small was the majority by which the result was obtained, it was in entire harmony with the manifest popular will of the State; for within the succeeding month occurred the Presidential election of 1864 at which were cast 40,152 votes for Mr. Lincoln, and 32,759 for McClellan, giving the President who had

prompted and aided State emancipation a popular majority of 7,414."

"This," continue the enthusiastic biographers, "was a remarkable transformation." "A remarkable transformation" indeed! How that transformation was brought about has already been shown in this relation. By what wholesale exclusion of Democrats from voting in Baltimore City and in the western and middle counties of the State, by what arrests and intimidation of voters by the military authorities, by what fears aroused by General Schenck's orders, by what fraudulent manipulations of the returns of the soldiers' votes this "remarkable transformation" was effected is now known of all men, but the two collaborators of these ten bulky volumes. But for these measures of violence and of fraud, deliberately planned and provided by General Schenck in contempt of the authority of the Governor, and "against the peace, government and dignity of the State," and sanctioned by the highest authority in the country, President Lincoln, the Constitution of 1864, which disfranchised forever two-thirds of the voters of the State, would have been overwhelmed under an avalanche of the honest votes of an indignant people, and General McClellan would have triumphantly carried the State. Outrages innumerable were perpetrated in Bal-

timore. To be known as a Democrat was sufficient proof of disloyalty.

Let the story of one instance suffice as an illustration. Mr. Knott, the Democratic candidate for Congress from the Third District against General (now Judge) Charles E. Phelps, was challenged at his polling place, North Amity near Lexington street, his vote rejected and a warrant made out for his arrest on the ground of disloyalty, in that he was in arms against the Government on the 19th of April, 1861. The fact was that Mr. Knott was, at that time, and had been from its formation, a member of the 53rd Regiment, which, together with the other military organizations of the city, had been called into active service by the express orders of Governor Hicks, an avowed "Unconditional Union" man, to protect life and property during the exciting disturbances created by the affair of the 19th of April, and to defend the city, if defense became necessary, from military violence, threatened by the troops summoned under the call of President Lincoln, of the 16th of April, for the protection of the capital in retaliation for an attack on a Massachusetts regiment while passing through our city on that day. And these purposes and this action of Governor Hicks and of the civil and military authorities of the city and State, it may here be added, met, at the time, with the

unanimous approval of the press of the city, and the approbation of the people, with very few exceptions, and without distinction of party. The arrest was not carried out, however, owing to the kindly suggestions of one of the Judges, a Mr. Baughman, a neighbor and acquaintance of Mr. Knott, that he knew several Union men who were in arms on that occasion, and, moreover, that it would not look well to arrest a Democratic candidate for Congress.

Proceedings like these, carried on throughout the city and the State on the day of the Presidential election by the judges of election acting under the orders of the "provost marshals and other military officers" sufficiently account for "*the remarkable transformation*" of a beggarly 375 majority for the Constitution on the 13th of October into a majority of 7,414 for Mr. Lincoln on the 4th day of November, 1864, and effectually dispose of the utterly fictitious claim that the result of the vote on the Constitution "was in entire harmony with the manifest popular will of the State."

CHAPTER III.

THE POLITICAL TRANSACTIONS OF 1865. INTERVIEW OF A DEMOCRATIC COM- MITTEE WITH PRESIDENT AN- DREW JOHNSON—ADDRESS OF THE DEMOCRATIC STATE CENTRAL COMMITTEE.

On the 19th day of July, 1865, a committee representing the Democratic State Central Committee, and composed of Gen. William P. Maulsby, of Frederick; Col. William Kimmel and Mr. Knott, of Baltimore City, waited on President Andrew Johnson in Washington, upon the suggestion and at instance of Mr. Francis P. Blair, Sr., and of his son, Hon. Montgomery Blair. These gentlemen were anxious that representatives from Democratic organizations should call on President Johnson to assure him of their sympathy and support in the struggle which they then saw was imminent and inevitable between him and the Republican Congress on the grave question of the reconstruction of the Southern States. The interview was arranged through Col. Wright Rives, then Military Secretary to President Johnson, a personal friend of Mr. Knott, and now a resident of Washington City.

This committee laid before Mr. Johnson a

memorandum setting forth the political condition in Maryland, and the situation of parties; and representing that under the Constitution of the State, recently proclaimed as adopted, and as it was interpreted by the party in power, and under the proscriptive registration laws, which were most arbitrarily construed, two-thirds of the voters of State, constituting the bulk of the Democratic party were disfranchised; that while that party would, it was believed, earnestly support the President's policy towards the Southern States, as that policy had been outlined and was understood, it would be impossible to make that support effective so long as this disfranchisement continued; and that his (the President's) friends in the Republican party in Maryland must realize the utter hopelessness of their cause without the aid of the Democratic vote, which could not be given without a change in the Constitution or a repeal or an essential modification of the existing registration laws.

Mr. Johnson listened with attention, and at the close assured the committee of the interest he felt in the political situation in Maryland, and his sympathy with the aims and purposes of the committee; that without committing himself to any definite proposition, he felt that where there was a community of views, a common ground of action could no doubt be reached. For himself, he added, that having been a Democrat on prin-

ciple and conviction, and having acted with the Republican party only so long as the country was at war, and the Union in danger, now that the war was over and its purpose accomplished in the restoration of the Union, he was in favor of a policy of conciliation; that he believed the Southern States should be restored to the exercise of their constitutional rights and functions—suspended or interrupted by the war—without the exaction of conditions other than those imposed by the Constitution itself and by the inevitable results of the war.

The policy of reconstruction pursued and carried out at this time by the Republican Congress is a pregnant illustration of the gross and glaring inconsistencies into which the excesses of party spirit and faction will oftentimes lead mankind.

At the outbreak of the war the Republican party proclaimed that the Union was not dissolved, and was indissoluble, by reason of the several acts of secession passed by the States that went out of the Union; that these acts were unconstitutional, void and of no effect. This was the attitude taken and constantly and solemnly maintained by that party before the country and before the world, at home and abroad.

The seceding States, it was gravely represented by the highest authorities, were but erring sisters temporarily seduced or forced from their duty and allegiance, and when

undeceived or relieved from the armed pressure and constraint which had been placed upon them, and brought back to a sense of duty by the gentle ministrations of the Union armies, they would be welcomed to, and be reinstated in, their former positions in the sisterhood of States, with all their constitutional rights and privileges undiminished and unimpaired. On this ground the war was begun and its patriotic support by the people invoked until it was triumphantly closed at Appomattox Court House. After the war, by keeping the Southern States out of the Union for several years, by converting them into military satrapies until they should perform certain conditions, not enumerated or provided in the Constitution, and should agree to certain amendments to that instrument, the Republican party turned completely around, and acknowledged, thereby, by necessary and logical implication, the constitutional and legal efficacy of those very acts to be what the secessionists originally claimed to be, and the fact of the dissolution of the Union as effected by them.

The formula of that party was the utterly absurd and untenable tone: A territory by coming into the Union becomes a State, a State *c converso* by going out of the Union becomes a territory; and thus has to undergo a sort of a political palingenesis in

order to qualify it for re-admission into the Union. This theory was in total disregard of the historical fact that four of the seceding States, Virginia, North Carolina, South Carolina and Georgia were sovereign and independent States, making war and peace, thirteen years before they entered into, or rather in conjunction with their sister sovereign States, made the Union; as well as of the settled constitutional doctrine that the new States when admitted are on a footing of entire and absolute equality with the old States. But a theory had to be found or made to fit the unconstitutional measures already resolved upon, and this was as good as any other for that purpose.

Several interviews subsequently took place between President Johnson and the members of this sub-committee. And it is but just to add that the Democratic party of Maryland owe to the memory of that statesman a debt of gratitude for the valuable aid he gave to it, at more than one important crisis in the long and arduous struggle it maintained for the rights of the people against a desperate and an intolerant faction of the Republican party, which did not number at any time during its usurpation of power, as the elections subsequently showed, more than one-third of the voters of the State.

The defeat of the Democratic party in 1864, the ratification of the Constitution

with its odious and intolerant provisions; the passage of the registration law conceived in the same spirit of political animosity, the tragic death of Mr. Lincoln and the harsh and vindictive measures of reconstruction proposed and subsequently carried out by Congress, all conspired to plunge the people of Maryland into a condition of almost hopeless indifference if not despair, as to the political situation and the exercise of their political rights and duties.

The Democratic State Central Committee, however, undeterred by these discouraging circumstances, resolved to continue the work of agitation and reform. On September 2, 1865, about two weeks before the work of registration was begun, the committee issued an address,* drawn up by Mr. Knott, to the Democratic voters of the State explaining the clauses of the Constitution imposing political disabilities for acts of disloyalty committed during the war, and the provisions of the registration law passed to enforce these clauses. It pointed out that under governments claiming to be free acts only were and could be, punished, not sentiments and opinions. That the great body of the Democratic voters under any fair and honest construction of the disqualifying clauses of the Constitution of 1864 did not, and could not come under their ban, and concluding with an earnest and fervent ap-

* See Appendix.

peal to claim and exercise their right and *disfranchise*
induty as citizens, to present themselves for
registration, tender their readiness to comply with the law and demand and insist upon their names being entered on the registration lists, and if refused to appeal to the courts for redress. The address had a salutary effect. It served to reanimate the spirit of the people, to call attention to the political situation of the country, and the grave consequences to be apprehended if that situation should be prolonged by the indifference or apathy of the people. But the results conclusively showed that, the officers of registration were swayed by a spirit of bitter and uncompromising partisanship and that the Republican party was determined to perpetuate its ascendancy by the entire disfranchisement, if necessary, of its Democratic opponents.

CHAPTER IV.

THE TWO CONVENTIONS OF JANUARY 24, 1866 AND FEBRUARY 25, 1866, TO SECURE A MODIFICATION OF THE REGISTRY LAW AND TO SUSTAIN PRESIDENT JOHNSON. THE TRIUMPHANT ELECTION OF A DEMOCRATIC CONSERVATIVE LEGISLATURE ON NOV. 6, 1866.

Early in the year 1866 in compliance with a general sentiment shared in by Republicans of note and of patriotic character, it was resolved to make one more appeal to the sense of justice of the party in power and to memorialize the Legislature then in session, to relieve the people of the State from the political burdens that oppressed them. In accordance with a call issued by the committee for that purpose, a State Convention was held in Temperance Temple, North Gay street, Baltimore, on Wednesday, January 24, 1866, of those who were in favor of a repeal or a relaxation of the harsh provisions of the registry law. It was largely attended. The city of Baltimore and the counties were fully represented and by some of the most distinguished citizens of the State. Hon. E. K. Wilson, Levin L. Irving, Isaac D. Jones, Col. Sam Hambleton, Daniel M. Henry, George R. Dennis, Lloyd T. Tighl-

man, Hiram McCollough, Gov. Philip Francis Thomas, Henry D. Farnandis, John B. Brown, James U. Dennis, Henry W. Archer, Samuel Brady, Jacob Kunkel, A. K. Syester, James Wallace, Richard H. Alvey, William M. Merrick, Outerbridge Horsey, Anthony Kimmel, James T. Blackistone, Benedict Hanson, Frederick J. Nelson, George M. Gill, James R. Brewer, William T. Hamilton, John Glenn, Edward Hammond, W. W. Watkins, Sprigg Harwood, W. W. Crichton, Zachariah S. Claggett, James B. Groome, J. Carroll Walsh, John Thompson Mason, J. Dixon Roman, Edward Belt, Daniel Clarke and George H. Carman were among the members of the convention. Hon. Montgomery Blair presided and an address to the people and a memorial to the Legislature praying for a repeal or modification of the registry law were adopted. The *Baltimore Sun* in its issue of the 27th of January referred to the representative character of the members of the convention, the moderation of its utterances and commended its resolutions to the consideration of the Legislature.

A committee of eleven, of which the Hon. Montgomery Blair was chairman and Mr. Knott, secretary, was appointed to present the memorial to the Legislature of the State.

On the day following the adjournment of the convention the committee went to Annapolis to perform this duty. The House of

Delegates, on motion of Hon. Oliver Miller, had voted to give the committee a public hearing. The committee was courteously received, though not without a subsequent protest by a few of the more radical members, one of whom characterized the appearance of the committee on the floor of the House on the errand on which they came as a piece of "*unparalleled presumption and unwarranted impertinence.*" A committee of the House, to which this memorial was subsequently referred, made on February 9th, an elaborate report in which they denounced the memorial and the action of the convention as "insolent self-assertion," its representations "*the clamor of an unrepentant and unshriven multitude, of men of unregenerate tempers, not seeking mercy, but demanding the restoration of rights which had been justly forfeited.*" "*Let them stand,*" continued the report, "*in the position they have taken,*" and it concluded with a resolution that "neither the temper nor the conduct of the people of the State, who have heretofore been hostile to the Government, nor the condition of our national affairs nor the principles of the Constitution of the State, warrant any interference with the registry law and that it ought to be rigidly enforced." The report and resolution were adopted by the House. This action convinced the people that no measure of relief could be looked for from the Republican party.

Henceforth the people must work out their own redemption.

On the 26th of February, 1866, a meeting under the joint auspices of the Democrats and conservative Republicans was held in Maryland Institute Hall to sustain President Johnson in his policy towards the Southern States. The union between these two organizations was then the subject of negotiation, but had not been consummated. Some of the conservatives desired that this meeting should be confined exclusively to an endorsement of President Johnson and his administration, and that in the proceedings no reference should be made to local issues, especially to the burning question of a repeal or relaxation of the proscriptive features of the registry law. These gentlemen were not prepared for so decided a step. As the Democrats were to make up the bulk of the meeting or to use a phrase of Dean Swift's were "to furnish the congregation," they very naturally thought they were entitled to have something to say about the doctrine to be set forth on the occasion. They insisted therefore that while the gentleman chosen to preside should be a conservative of the most thoroughly loyal type, he should also be one concerning whose attitude on this important question of the repeal or relaxation of the proscriptive features of the registry law there should be no doubt or mis-

understanding, and that that attitude should be made plain in his speech at the meeting. They contended that one could hardly be considered a real friend of Mr. Johnson and his policy and at the same time be willing to keep his friends and supporters excluded from the polls. While a very considerable number of the distinguished Republicans of the State approved of the policy of the President, the great majority of the leaders and of the rank and file of that party were opposed to it, and the success of that policy in Maryland without the Democratic vote was therefore impossible. They also contended that the Democrats should have one well-known orator, who should have the right to speak out as the spirit moved him at the meeting. President Johnson, who all along had been kept fully informed of the political situation in Maryland, was finally appealed to on this point of difference between the parties, and by telegram and letter sent through Col. Wright Rives, his Secretary, to Mr. Knott he sustained the views of the Democratic committee. The meeting took place under these conditions. It was large and enthusiastic. Lieutenant-Governor Cox presided. The Hon. I. Nevett Steele, the eminent lawyer, of Baltimore, was selected to represent the Democrats among the speakers, and Hon. Edgar H. Cowan, U. S. Senator from Pennsylvania.

nia, and Hon. James R. Doolittle, U. S. Senator from Wisconsin, made eloquent addresses. The effect of the meeting was encouraging. It demonstrated that the overwhelming sentiment of the State was with Mr. Johnson and also in favor of the home policy of the Democratic party. It laid a solid and impregnable foundation for the union of the Democrats and conservatives of the State and gave the alliance, which was subsequently cemented between them, a consistent and an intelligent platform of principles. While the conservative Republicans did not, as already intimated, bring to that alliance any large body of adherents, they did bring certain elements of strength, certain factors, growing out of previous political status, which, in the existing condition of the country and the state of public sentiment, were indispensable to success. In the judgment of all fair and candid minds throughout the country a movement could not be successfully arraigned at the bar of public opinion for disloyalty in its purposes and aims, which numbered among its leaders men who had been at the forefront of battle on the Union side on many a victorious and many a stricken field, or who had served that cause in cabinet and council. The day after this meeting Mr. Knott received the following letter from Col. Wright Rives, Military Secretary of President Johnson, franked "From

the President of the United States, Robt. Johnson, Private Secretary."

EXECUTIVE MANSION

WASHINGTON, D. C., *Feb. 27th, 1868.*

DEAR KNOTT :

Your letter was received. The morning papers informed me of your grand success. I read your letter to the President, and also one from Webster on the same subject. He was much pleased with your success. I think Doolittle's speech was capital but all were excellent. I suppose the one to come off this week against the President will prove a failure, at least I hope so. I am glad to see old party feuds are buried. Let me congratulate you on your success and your untiring efforts in getting up such a meeting.

Your friend,

WRIGHT RIVES.

P. S.—Convey my regards and congratulations to Kimmell and Purnell. The latter's nomination was sent to Congress a week ago; the President knows that he is his friend and no delegations need try to oust him.

The allusion to Col. Purnell's nomination in the postscript was to the re-appointment of that gentleman as Postmaster of Baltimore. Hon. William H. Purnell was one of the most active and indefatigable friends of the President and an earnest advocate of the alliance of the conservative Republicans with the Democratic party. He favored the prompt admission of the Southern States and the repeal of all disabilities and penalties inflicted either by Congress or by the States on account of the war. For his position on these questions he failed to receive the confirmation of a radical Senate.

Col. W. H. Kimmel, whose name is mentioned in the same connection, was a Douglas Democrat in 1860, and an opponent equally of Secession and of the Civil War. He was one of the committee of five for Baltimore City appointed at the instance of Mr. Knott by Col. John F. Dent at the first meeting in Annapolis in February, 1864, to reorganize the Democratic party. He labored zealously and effectively in promoting the objects and purposes held in view in that reorganization. In 1866 he was chosen a State Senator from the First Legislative District of Baltimore City. Subsequently, in 1876-1880 he served acceptably two terms in Congress as the representative of the Democratic party for the Third Congressional District of Maryland.

In 1866 a large body of Republicans in this State, headed by Governor Swann, Hon. Montgomery Blair, Hon. William H. Purnell, who was one of the first and most influential friends and promoters of the Democratic conservative movement; Col. William H. Leonard, Gen. (now Judge) Charles E. Phelps, Hon. J. V. L. Findlay, Gen. John W. Horn, Gen. John S. Berry, Hon. John M. Carter, Secretary of State under Governor Swann; Col. Edwin H. Webster, collector of the port, and many other gentlemen, who deemed a continuance of the disabilities and proscriptions contained in the Constitution

of 1864, now that the war was ended, and the Union restored, equally unjust and impolitic, and who moreover supported the policy of President Johnson, in dealing with the Southern States, and were opposed to the reconstruction measures of the Republican Senate, definitely separated themselves from the Republican party.

With this body of gentlemen and their followers the Democratic party which had all along entertained these views, and whose principles were on a line with the policy of President Johnson, formed, under the lead of the Democratic State Central Committee, a very natural union or alliance. The objects of the Democratic Conservative party, which sprang out of this alliance, were: The support of the policy and administration of President Johnson; a change in the Constitution of the State, an essential modification of the registration and election laws, and a fair and just administration of these laws by honest officers until their repeal or modification could be secured by legislative enactment. Bad as these laws were in themselves, they had been made infinitely more oppressive and intolerable by the arbitrary and capricious methods and vindictive spirit in which they had been executed. These methods were purposely designed to exclude altogether from the polls Democratic voters who were stigmatized as rebels. In pursuance of the policy inaugurated in the

formation of this alliance, Governor Swann during the Summer of 1866 appointed as registrars men, who, while adhering strictly to the law, so fairly and justly interpreted its provisions as to register a very large number of Democratic voters throughout the State and had secured them, as it was thought, in their rights to the elective franchise. This action threatened the continued ascendancy of the Republican party in the State, and a determined effort was made to prevent a result which would prove nothing short of a catastrophe to that party.

CHAPTER V.

THE ELECTIONS IN BALTIMORE CITY IN
OCTOBER AND NOVEMBER, 1866—THE
REMOVAL OF THE POLICE BOARD BY
GOVERNOR SWANN—THE ACTION
OF JUDGE BOND—THE VISIT OF
GEN. GRANT AND GEN. CANBY
TO BALTIMORE—THE TRI-
UMPH OF THE DEMOCRATIC
CONSERVATIVE PARTY
AND THE OVER-
THROW OF THE
CONSTITUTION
OF 1864.

In the municipal election which took place in Baltimore on the 11th of October, 1866, the Board of Police Commissioners, composed of Mayor John Lee Chapman, ex-officio, Moses Hindes and Nicholas Wood, refused to appoint a single Democratic judge or clerk of election, but selected their appointees for these offices from the ranks of the most bitter and uncompromising partisans, many of whom were men of notoriously ill repute. These officers, in violation of the registration law went behind the lists of registration, and examined the voters on oath as to their qualifications; and not content with asking questions prescribed by the law as to the acts of the applicant made inquisition into his thoughts and opinions,

and put any hypothetical case that their caprice or malevolence suggested, and required him to answer it under the penalty of exclusion from voting. The consequence of this conduct was the disfranchisement of a great majority of the registered Democratic voters of the city, and the defeat of the Democratic conservative candidate for Mayor, Mr. James Harvey. For this offense of appointing men well known to be unfit, as well as for other offenses committed by them, Governor Swann, in pursuance of the law, summoned the Police Commissioners before him on charges of malfeasance and misconduct in office.

This transaction profoundly stirred the public mind and aroused political passions and antagonisms which threatened serious results to the peace and good order of the city. The radical Republicans resolved to contest at every stage and by every means the action of the Governor in the trial and removal of the Commissioners. Nor did they propose to content themselves solely with an appeal to the tribunals of the law. At a large meeting of this faction, held at their headquarters, October 20, 1866, they resolved to form a semi-military organization composed exclusively of ex-officers and ex-soldiers of the Union Army, to be designated and known as "The Boys in Blue," of which Gen. Andrew W. Denison was the general commanding, and Capt.

Frederick C. Tarr was Chief of Staff. Branches were to be established in every ward of the city. The spirit and purpose of this organization are expressed in the following resolution offered by Capt. George F. Armor, and passed at the meeting. Resolved, "That communication be opened with 'The Boys in Blue' in the counties, explaining to them the imminent danger now threatened Baltimore City, and requesting that they organize and hold themselves in readiness to render whatever aid may be required in case of necessity." "The Boys in Blue" were further summoned "to assemble in massed column to resist the attempt of the traitors in our midst to deprive the loyal men of the city of the control of its affairs and to hand them over to the tender mercy of our deadliest enemies." The course of Governor Swann was severely denounced. A large meeting of radical Republicans was held at Front Street Theater, at which Gen. John R. Kenly presided. Speeches of an inflammatory character were delivered and resolutions arraigning Governor Swann and the Democratic Conservative party were adopted. The City Council of Baltimore also took part in this work of partisan abuse and misrepresentation, and by resolution stigmatized Governor Swann and his political associates as rebels and rebel sympathizers; while the Republican press of the City and the State teemed day after day

with the most vehement denunciations, and appeals well calculated to keep alive all the passions engendered by the war. But it is not to be inferred from this manifesto and action of "The Boys in Blue" that the members of the Union Army residing in Baltimore were all on the side of the radical Republicans in this controversy. At a large meeting of the National Union Soldiers and Sailors of the city of Baltimore, held on Saturday, October 22, 1866, at Hollins' Hall, it was, among other things,

Resolved, "That we denounce the action of our late comrades in arms who pretend to represent the sentiments of the soldiers and sailors in the city of Baltimore in attempting to inaugurate another Civil War and to resist the Executive of the State and of the Nation in enforcing the laws of the State." A meeting of a similar character was held in the Thirteenth ward, where it was resolved to organize "The White Boys in Blue" for the purpose, it was declared, "to resist the Boys in Blue," organized, it was charged, "to subvert our State institutions and to resist the Executive of the State in the lawful discharge of his duties," and the National Soldiers and Sailors in other wards of the city were requested to organize and send delegates to a City Convention for the purpose of forming an organization to be known as "The White Boys in Blue." A large number of the officers and soldiers

of the Union Army responded to this invitation, to such an extent, indeed, that the attempt to array the ex-members of the Union Army solidly against the Democratic Conservative party by an appeal to the passions and prejudices excited by the Civil War was wholly frustrated. Indeed, a very large part of that body of our fellow-citizens were on our side, and by their activity and zeal during the canvass and on the day of the election, November 6th, contributed to the success which the Democratic Conservative party achieved. The *Baltimore Sun* in several of its issues of that period exerted a conservative influence on the public mind. In its issues of October 23, 24, 25 and 27, and of November 3, 1866, it counseled moderation, toleration of opposite sentiments; explained the attitude of the Governor, the legality of his action, and advised acquiescence in whatever result that might be reached by him in the trial of the Commissioners. It exposed, and remonstrated against, the misrepresentations of the condition of things in our city, published broadcast throughout the North, especially in the newspapers of Philadelphia, New York and Boston. These misrepresentations, originated by correspondents here, were to the effect that the contest in Baltimore was between rebels and rebel sympathizers on the one side, and loyal Union men on the other; that a renewal of the

Civil War was threatened and that the pathway to the Capitol would again be obstructed by the disloyal element of our city and State. It is indeed surprising that such misrepresentations should have been made, and more surprisingly still that they should have been credited by so large a portion of the intelligent press of the North, when it is recollected that among the leaders of the Democratic Conservative party at the time were such strong Union men as Governor Swann, Montgomery Blair, General Phelps, Gen. John W. Horn, Gen. Edward Shriver, Gen. William P. Malsby, Col. William H. Leonard, Col. Wm. H. Purnell, Col. Edwin Webster, Hon. Reverdy Johnson, John V. L. Findlay, John S. Berry and other gentlemen who were distinguished for their attachment to the Union cause during the war, and for their services to that cause in the field and in the councils of the country.

Under the operation of these influences the condition of affairs in our city became so critical that Governor Swann deemed it necessary to issue on the 23d of October, 1866, a proclamation containing the following recital:

"WHEREAS, It has come to my knowledge that military and other combinations are now forming in the city of Baltimore for the purpose of obstructing and resisting the execution of the laws of the State, * * * and that there is reason to believe that similar

combinations are attempted to be organized in other States with the intention of invading the soil of Maryland to deprive the citizens of their just rights under the laws, and to control the people of the State by violence and intimidation. Now, therefore, I, Thomas Swann, Governor of the State of Maryland, do by this proclamation solemnly warn the leaders of all such illegal and revolutionary combinations against the peace and dignity of the State, that in the event of riot or bloodshed growing out of these revolutionary proceedings, that they will be held to strict accountability, and that the power of the State will be exhausted to bring them to prompt and merited punishment.

THOMAS SWANN,
Governor of Maryland.

By order

JOHN M. CARTER,
Secretary of State.

The proclamation had a salutary effect. It showed that the Governor was determined to discharge his duty in respect of the accused Police Commissioners, and that he would be prepared to meet the consequences. The impeached Commissioners were summoned to appear before the Governor to answer the charges of misconduct in office. They answered the summons with a protest against the jurisdiction of the Governor in the premises prepared and filed by their counsel, Messrs. Archibald Stirl-

ing, Jr., Thomas Alexander and Henry Stockbridge, and refused to appear for trial. This plea to the jurisdiction was plainly filed for outside effect and as a pretext for the resistance already contemplated, to the decision of the Governor if that decision should be against the accused Commissioners; for Sec. 806 of Art. IV, of the Code of Public Local Laws of Maryland, Title Baltimore City, as amended by Chap. 131, of the Acts of the General Assembly of Maryland, 1861-62, conferred this jurisdiction on the Governor in the most explicit terms.

The history of this amendment to the police law furnishes an interesting illustration of the truth that legislation sometimes, like the "bloody inventions" of the poet, return to plague the inventor. The original act of 1860-61, constituting the Police Board of Baltimore City, had provided that for any official misconduct the Commissioners could be removed only by the concurrent vote of the two Houses of the General Assembly. In the summer of 1861 the Police Commissioners, Messrs. Charles Howard, William H. Gatchell, Charles D. Hinks, John W. Davis, had been forcibly removed from office by the Federal military authorities on the wholly baseless and unfounded charge of disloyalty to the Government, and had been illegally and cruelly imprisoned for several years in Fort Lafayette and Fort Warren. To provide against the con-

tingency or possibility of any of their successors contracting the same taint of disloyalty, and while thus affected, remaining in, and discharging the duties of, their office of Police Commissioner during the recess of the loyal Legislature, the act of 1861-62 was passed by the first Republican or Unconditional Union Legislature that assembled in our State, which, among other changes it introduced into the police law, gave to the loyal Governor the power of removal of any Commissioner for official misconduct during the recess of the loyal Legislature. This Roland for an Oliver, this first exercise of the power conferred upon the Governor by this amendment, was not relished by its authors.

The trial of the accused Police Commissioners proceeded; and on full proof of the charges against them they were convicted and removed from office by the Governor. Messrs. William Schley, J. H. B. Latrobe and John M. Frazier represented the Democratic Conservative Committee in this prosecution.

Time was important in this effort for the removal of the delinquent Police Commissioners, as the State election was to take place on the 6th of November. While the counsel of the Democratic Conservative Committee in Annapolis were presenting the evidence against the Commissioners before the Governor, a committee of the

Democratic candidates for the Legislature, of ~~the~~ which Mr. Knott was chairman, assisted by several ~~of the~~ members of the Bar, among them Ferdinand C. Latrobe and H. Rozier Dulany, were engaged in collecting and briefing the testimony of witnesses here in Baltimore and securing the daily attendance of those witnesses in Annapolis. Testimony of the most conclusive character as to the flagrant misconduct of the judges and clerks of election in the October municipal election was obtained from every one of the voting precincts in Baltimore.

Mr. William T. Valiant and James Young, citizens of high standing and character, and of thorough and unimpeachable loyalty, were appointed in the places of the Commissioners thus removed. These gentlemen entered upon the discharge of their duties, made demand upon the removed Commissioners for the possession of the station houses and other property of the Board, and that the control of the police force should be surrendered to them. This demand was peremptorily and defiantly refused.

These gentlemen nevertheless proceeded in the execution of their office and prepared to appoint and organize a police force which should be under their control. Mr. William Thompson, the sheriff of Baltimore City, in compliance with a requisition to that effect, recognized their authority, put himself

under their direction, and began the work of summoning the posse comitatus. This was on Friday, the 2d of November.

Early on the morning of Saturday, the 3d of November, Mr. George Maund, the State's Attorney for Baltimore City, appeared before Judge Bond of the Criminal Court and applied for a bench warrant charging these Commissioners and the sheriff with a breach of the peace, and the Commissioners with the additional offense of an unlawful interference with the Police Commissioners in the execution of their duty, meaning the Commissioners who had been removed by Governor Swann. On these charges the bench warrant was promptly issued by the judge, and the newly-appointed Commissioners and the sheriff were arrested and brought before the Court. They were accompanied by their counsel, Hon. William Schley and Hon. J. H. B. Latrobe and Mr. Orville Horwitz. The charge was wholly unfounded and frivolous and the warrant illegal on its face. This was made clear on the brief argument which took place between the counsel of the Commissioners and the Sheriff and the State's Attorney, who was assisted by Mr. Henry Stockbridge, Mr. Archibald Stirling, Mr. Stockett Matthews and Thos. S. Alexander, representing the deposed Commissioners and the Republican party. Judge

Bond was inexorable, however, and made a speech from the Bench, commenting severely on the conduct of the new Commissioners of Police, and of the Sheriff, and commending the action of the State's Attorney in bringing such conduct to his, the Judge's notice. He required the Commissioners and the Sheriff to give bail each in the sum of \$20,000 to keep the peace, and the new Commissioners were further required to refrain from any attempt to exercise the duties of their office, and to give additional bail in the sum of \$5,000 each on the charge of riot preferred by the State's Attorney. Under the instruction of counsel these officers declined to give bail. They were forthwith committed to the jail of Baltimore City by Judge Bond, until they should give the required bail of \$20,000, to keep the peace and also to refrain from exercising the duties of Police Commissioners. This commitment was a legal document of a novel character and was commented upon by Judge Bartol in the habeas corpus proceedings which subsequently took place. It was in the nature of an injunction or restraining order, wholly outside of the authority and jurisdiction of the Criminal Court, and furnishes, perhaps, the earliest example or precedent of an attempt at government by injunction, a judicial theory and practice

with which of late we have become too familiar.

At the instance of the friends of the imprisoned Commissioners and Sheriff, a writ of habeas corpus was on the same day issued by Judge Bartol of the Court of Appeals directed to the warden of the city jail returnable before him on Monday, the 5th of November, the day preceding the election. On that day memorable in our city annals, the petitioners and respondent appeared by counsel. Mr. James, the warden of the jail, there was reason to believe, would respond at once to the writ and produce his prisoners. This expectation was doomed to disappointment. The warden, influenced by the threats or persuasions of the Republican leaders, availed himself of a law recently passed giving to the respondents in habeas corpus proceedings four days after the service of the writ within which to make answer and return. One of the earliest acts of the succeeding Legislature was an act repealing this law designed to obstruct and subvert the great writ of personal freedom.

There was nothing to be done. Judge Bartol was compelled to postpone the hearing to Thursday, November 8th, two days after the election. On that day the Commissioners and Sheriff were brought before Judge Bartol amid a vast concourse of citizens assembled around the Court House.

The argument, involving the consideration of the questions of the legality of the action of Governor Swann, in removing the old Commissioners, in appointing their successors, of the authority of the new Commissioners under such appointment, and of the legality of the conduct of the Sheriff in supporting that authority, was entered upon and consumed three days.

On Tuesday, November 13th, Judge Bartol delivered his opinion fully and unqualifiedly sustaining the action of the Governor in removing the old Commissioners and filling their places by the appointment of new Commissioners, and also sustaining the acts and conduct of the new Commissioners and of the Sheriff—which were made the grounds of the charges on which they had been arrested and committed—as a rightful exercise of authority on their part. He animadverted in just and severe terms on the lawless and rebellious course pursued by the removed Commissioners, and on the wholly unwarranted and illegal action of Judge Bond, of the Criminal Court, and of the State's Attorney in ordering and effecting the arrest and imprisonment of these officers of the law. The Commissioners and Sheriff were discharged amid the applause of a crowded Court room and of a vast audience outside, after an illegal and unjust incarceration of ten days. In the meantime the election had taken place (Tuesday, the

6th of November), and the tyrannic oligarchy which had for six years ruled the State had been overthrown.

It was this lawless and rebellious action of the Mayor and the deposed Police Commissioners of the city of Baltimore, sustained and aided by the Judge of the Criminal Court and the State's Attorney, overthrowing the authority of the State as it did in this city and inciting to insurrection, and the formation of partisan military organizations that led Governor Swann to call on President Johnson for the aid of the Federal Government in maintaining the authority of the State. In answer to this call President Johnson sent General Grant to investigate and report on the condition of things in the city to enable him to determine whether a case existed for his interference. The deposed Police Commissioners had continued to hold their offices—their successors having been, as above stated, incarcerated in the Baltimore City jail by order of the Judge of the Criminal Court—and were now proceeding with their preparations for the State election to be held on Tuesday, the 6th of November. Their failure to appoint a single Democratic Conservative Judge or clerk at the municipal election in October constituted one of the charges of malfeasance in office, on which they had been tried, convicted and removed from

office. This offense they were preparing to repeat.

Early on the morning of Saturday, November 2d, Governor Swann went to Washington and had an interview at the Executive Mansion with President Johnson. Subsequently the President held a consultation with Secretary Stanton, General Grant and Attorney General Stanberry. At this consultation, it was reported that on the advice of the Attorney General it had been determined that the military power of the Government could not be used in the political disturbances which had occurred in Baltimore, notwithstanding the demand of the Executive of the State, except in case of a riot or a serious breach of the peace. An intimation to this effect had already been communicated to Governor Swann by Attorney General Stanberry, and it was such intimation that led to his visit to Washington. Governor Swann returned to Baltimore in the evening, the purpose of his visit unaccomplished.

General Grant arrived in the city on Saturday afternoon and took up his quarters at the Eutaw House, where he was immediately called upon by Judge Bond, Mayor Chapman and other Republican leaders, with whom he held a protracted interview. A committee of the Democratic Conservatives also called upon General Grant, but they found him closeted with the radical

office holders and their attorneys, and he sent them word he would see them on Monday morning at the residence of Governor Swann. Later in the evening of Saturday General Grant met many of the Republican leaders at a social entertainment given the General by a distinguished Republican citizen of Baltimore, and a member of Congress, Hon. William I. Albert, at his residence on Mt. Vernon Place. General Canby also arrived in the city on Saturday afternoon, and went to his headquarters at the Johnson Building at the corner of Fayette street and Monument Square. There he was immediately called upon by Messrs. Hindes and Wood and one of their counsel, Mr. Henry Stockbridge. On Monday morning both of these Generals again had an interview of some length with the leaders of the Republican party, the Mayor of the city and the deposed Commissioners of Police. After this last interview these officers called on Governor Swann and the Democratic Conservative committee at the Governor's residence on Franklin street. They expressed to the Governor and to the Committee their hope for a peaceful solution of the difficulties, and their belief that under the arrangements which had been made by the old Commissioners, a fair and honest election would be held. General Canby further assured the Committee that he had obtained from these

Commissioners the promise that they would appoint a Democratic Judge and clerk at each of the polling places and urged the Committee to furnish such list at once. This was all that the Committee had asked and with this assurance they were well content. There was no delay. A list of Judges and clerks which had already been prepared was immediately taken by Mr. John T. Ford and Gen. John W. Horn to the office of the Police Commissioners in the Old Assembly rooms, then standing on the northeast corner of Holliday and Fayette streets. But these gentlemen, after being kept waiting for some time in an ante-room, were finally refused admission to the presence of the Board, and were informed by one of its counsel, Mr. Archibald Sterling, Jr., through a half-opened door that the Judges and clerks of election had been appointed and that no changes would be made. The door was then closed in their faces. In the meantime General Canby had returned to Washington, whither General Grant had already preceded him on an earlier train. There was no redress. These distinguished officers of the army came and saw, but did not conquer the obdurate partisanship of the old Commissioners and of Judge Bond. The result of their visit was distinctly unfavorable to the success of the cause of constitutional reform. Governor Swann's application for Federal aid in

maintaining his authority was not pressed. General Grant in his interview had made it quite plain to the Governor, and to the Democratic Conservative committee, that in his opinion Federal interference was unnecessary.

This act of turpitude on the part of the old Commissioners of Police, involving as it did a serious breach of faith, certainly with General Canby, and presumably also with General Grant, as well as a gross violation of public duty, and the imprisonment of the new Police Commissioners and of the Sheriff of Baltimore City, from which, as already narrated, Judge Bartol was unable to relieve them, indicated to the Democratic Conservatives what they had to expect on the day of election. But while disappointed they were not disheartened. These high-handed and arbitrary acts, occurring as they did almost simultaneously, aroused the profoundest indignation and resentment; and as the intelligence of them spread throughout the city and all hope of an honest election seemed dissipated, an outbreak was for a while imminent. But through the active exertions of the Democratic Conservative leaders wiser and peaceful counsels prevailed with the excited multitude. An additional motive for these efforts of the Democratic Conservatives to prevent any breach of the peace was furnished by the consideration of the fact that on Saturday, November 3d,

seven hundred United States troops had arrived in Baltimore from New York, and were at once quartered at Fort McHenry. These troops comprised companies of the Eleventh and Twelfth Regiments, United States Infantry. It was reported that orders for this movement of troops had been issued on the evening of the preceding Friday. As the President had decided not to interfere at the call of the Governor, this sudden transfer of United States troops was unexplained. But the conduct of General Grant in Baltimore, the several protracted interviews he had held with the leaders of the Republican party on Saturday and Monday, his brief interview with Governor Swann and the Democratic Conservative committee on Monday morning, his counsel to that committee to accept the situation and his assurance that a fair election would be held under the authority of the removed Commissioners, left little room for doubt in the minds of many of the Democratic Conservative leaders that, should an outbreak occur, and any Federal interference take place at all in consequence of such outbreak, that interference would, under the orders of Secretary Stanton and General Grant, be to sustain the local authorities, Mayor Chapman, Judge Bond and the old Commissioners of Police, and not to sustain the authority of the Governor of the State. The spirit of absolute confidence as to the

result of the election displayed by the Republican leaders and their party press on Monday and Tuesday had, it was believed, its explanation in such understanding. But the citizens of Baltimore were inspired with the determination to make the fight at all hazards, conscious of the rectitude of their motives and conduct, and of the importance and magnitude of the rights and interests at stake. Meetings were held on Monday night before the election in every ward throughout the city; tickets were distributed and speeches were made urging the Democratic voters to exercise their rights and perform their duty to themselves and to their fellow-citizens at the polls on the ensuing day.

The Democratic Conservative voters accordingly went to the polls the next day, without a single judge or clerk of election throughout the city to represent them; where they had to confront not only a solid phalanx of hostile judges and clerks with stacks of blank warrants instead of ballots on the window sills of the polls for the arrest of Democratic voters, as it was announced, and a hostile police force; but a specially appointed constabulary of several hundred men, drawn from the slums of the city and armed with bludgeons, slung-shots and revolvers. But all these nefarious efforts to prevent an expression of the popular will were in vain. The reformers de-

manded their rights in such unexpected numbers, and in a mood that so plainly indicated they would brook no trifling, that this contemplated crime against the elective franchise and the rights of the citizens, deliberately planned by the Republican party, and sustained and aided by Judge Bond of the Criminal Court, the State's Attorney, the Mayor and the police force of the city, was rendered incapable of being carried out, by their surprised and now thoroughly alarmed co-conspirators, the judges and clerks of election charged with its execution; and though hundreds of voters were disfranchised, the Democratic Conservatives carried the three Legislative districts of the city by safe majorities; thus securing the requisite two-thirds votes in the two Houses of the General Assembly of the State to make a new convention a certain and an assured success. In the Senate they had obtained by this vote in Baltimore City just the number requisite for that purpose under the existing Constitution. That body would stand sixteen Democratic Conservatives to eight Republicans. Had the friends of Constitutional reform failed to carry any one of these Legislative districts into which the city was divided, and thus lost one Senator, the labors of the Democratic party would have probably been in vain. Certainly their future efforts would have been seriously embarrassed and obstructed.

On the night of that election Mr. Knott was himself made the victim of an act of violence at the hands of this special police force. A great throng of rejoicing and enthusiastic Democratic Conservatives had filled North street between Baltimore and Fayette streets, awaiting the announcement of the returns of the election from the office of the Baltimore *Evening Transcript*, the able and courageous organ and advocate of the movement from its beginning to its close, edited and conducted by Mr. James R. Brewer and Gen. William H. Neilson, the latter gentleman being one of the Legislative candidates elected. Mr. Knott, among others, was called upon to address the immense audience, which he did in a few words of congratulation on the victory which had been achieved. A few moments later while passing the corner of North and Fayette streets, on his return to the Democratic headquarters at Barnum's Hotel, he was seized by two of these special officers, one brandishing a policeman's club and the other a slung-shot, and threatened with instant violence if he did not submit to arrest. Upon these men showing their badges of office, Mr. Knott submitted, and was hurried to the Middle District police station, where he was hailed with curses, loud and deep, by a crowd of policemen, both regular and irregular, gathered there after the closing of the polls. He was taken before Justice

Hebden, who a few days before had been appointed in place of Justice Spicer, the regular Police Justice of that district, who had resigned. On demanding the charge against him, the "Specials" were for a moment dumb-founded. They evidently did not anticipate that any charge was necessary for the arrest of a Democrat on that day, and they had nothing to say, until some one in the room cried out "inciting a riot." The suggestion was accepted at once by the "Specials" and that charge was made. Orders had been issued on the evening previous by the Police Commissioners to the Police Justices to commit without bail all who should be arrested on the day of election. But the result of the election was now known and its meaning understood and felt. The political chains which had bound the people of Baltimore for six years had been dissolved in the heat of that day's conflict. Mr. Knott told the Justice the facts, and denounced the arrest as an outrage. After a few whispered words by Captain Mitchell, the Justice dismissed the charge and Mr. Knott was released. He left the station house amid a chorus of epithets, among which "traitor" and "rebel" were the least offensive. It was the expiring growl of as malignant a faction as ever misgoverned a city and trampled upon the rights of its citizens. Largely recruited from the ranks of the defunct Know-

Nothing organization which had gone to pieces after its expulsion from power in 1860, and mainly controlled by the old leaders of that party, by reviving and renewing the odious methods and practices which had stamped that organization with a peculiar infamy, it seriously discredited and compromised the Union cause—of which it assumed the exclusive guardianship—in our city and State. Subsequently in the prosecution of his office as State's Attorney it fell to Mr. Knott's duty to meet several of these special police officers of that day on their way through the Criminal Court of Baltimore City to the jail and the penitentiary.

The success of the Democratic Conservative party in Baltimore was the subject of profound satisfaction throughout the State. Our friends in the counties were aware of the difficulties we had to encounter; of the conduct of the removed commissioners; the action of Judge Bond; the encouragement which the radicals had received from the visits of General Grant and General Canby; the want of sympathy and support from a number of Democrats in our city, men who could forget nothing and could learn nothing, and who, either indisposed or afraid to take any part in the movement, did not wish others to do so, and they almost despaired of our success. These friends were correspondingly elated when the news was flashed over the wires that, after a hard

fight, we had carried the entire delegations from the three legislative districts of Baltimore City in the General Assembly; thus ensuring the passage of all the reform measures advocated by the Democratic party, including that of a call for a Constitutional convention; the constitutional two-thirds votes of each House necessary for the passage of that all-important measure having been obtained by our victory in the city. From Col. Oden Bowie, the able and intrepid chairman of the Democratic State Central Committee during the three years of strife and struggle through which we had passed, and whose services were deservedly rewarded by his nomination and election as Governor in 1867, Mr. Knott received the following letter of congratulation:

COLLINGTON, PR. GEO. CO., MD.,
8th Nov., 1866.

MY DEAR KNOTT,
Laus Deo :

You have covered yourselves all over with glory. Most heartily do I congratulate you.

It seems to me the occasion is worthy of, and calls for, an address from our committee. I am too much engaged just now, however, in railroad matters to go up to consult you all about the matter, and as at this distance from the real battlefield (Baltimore City) I might make a mistake in the *kind* of address our allies would think best, I write to ask you to prepare such a one as on consultation you think best, and publish it as coming from ourselves. In haste.

Yours very truly,

ODEN BOWIE.

Several other letters of a similar import and character were received from the county members of the Democratic State Central Committee. In accordance with the suggestion of Colonel Bowie, a brief address of congratulation to the Democratic voters of the State was issued.

This chapter in the history of the redemption of a State should not close without an appropriate tribute to the services of Hon. Montgomery Blair in the work of that redemption. Leaving the Republican party when it was at the height of its power and prosperity, when, flown with insolence and pride at the triumphant termination of the war between the States, of which it claimed the exclusive honor, it was preparing to violate all the principles of the Constitution and the rules of modern civilized warfare in dealing with the conquered, in order further to subdue and humiliate the spirit of the South, he allied himself with the Democratic party at its hour of deepest depression and sorest need; but when that party alone stood for the liberties of the people, the rights of the States, and for the good faith and honor, which, in the language of Mr. Burke, "hold the moral elements of the world together." In the cause of the Democratic party he labored with indefatigable zeal, unfaltering courage and a singular disregard of personal interests, to the close of a useful and an honorable life. It is painful

to add that the treatment he subsequently received at the hands of some members of the Democratic party of the State was not encouraging to the repetition of such self-sacrificing conduct on the part of our public men. There were not wanting men in the ranks of that party, who, ignorant or careless of his services in which themselves had taken no share or part, could only remember that Mr. Blair was once a member of Mr. Lincoln's cabinet.

Judge Carmichael, of Queen Anne's "*clarum et venerabile nomen*," was one of the leading spirits in this movement for the redemption of the State from its beginning to its close. He was present at the initial meeting in Annapolis in February, 1864; was one of the delegates-at-large to the National Democratic Convention at Chicago in that year; was chairman of the joint committee of the Senate and the House to report a bill for the call of a convention, and he crowned his labors by presiding over the deliberations of the body which framed the Constitution of 1867. He was the Ulysses of our movement, sagacious in council and fearless in the field. He had in early life been a member of Congress, and was familiar with the traditions and the great men of the Jacksonian period. He had imbibed the spirit of those great men and imparted some of it to the younger men who were associated with him. On the resignation

of Governor Swann of the office of United States Senator, as subsequently narrated, the Democratic Conservative members of the Legislature turned instinctively and almost unanimously to Judge Carmichael as their choice for the Senate; but he declined the nomination, as he subsequently declined to have his name presented for the nomination of Governor at the first election under the new constitution which he contributed so much to ordain and establish. He was content to serve his State with a disinterested patriotism, and to aid by his wisdom and courage the emancipation of her people. That work accomplished he returned to private life, from which no temptation of office could withdraw him. Mr. Knott has always accounted it a peculiarly happy circumstance of his life that he was honored with the confidence and friendship of this really great and good man. On his first nomination as State's Attorney for Baltimore City, Judge Carmichael sent him the following congratulatory note:

BELLE VIEW, MD.,
6th Oct., 1867.

A. LEO KNOTT, ESQ.,
My Dear Sir:

I have only a word to convey my congratulations on the occasion of your nomination and to express my pleasure at it.

Perhaps you will permit me "*entre nous*" to remind you that the duties of the place will require all the *emphasis* which drew down upon

you, last winter, the fierce retort of "the honorable member" from Dorchester.

I am, very truly yours,

RICHD. B. CARMICHAEL.

The allusion in this letter to "the fierce retort of the honorable member from Dorchester," refers to a personal incident which occurred between the Hon. Francis P. Phelps, of Dorchester, and Mr. Knott in the House of Delegates in the discussion which took place in that body on the bill for a State appropriation to aid in the construction of an ice boat for Baltimore City, which measure was strongly antagonized by "The honorable member" from Dorchester. The difficulty was settled, however, by the intervention of common friends.

CHAPTER VI.

THE LEGISLATURE OF 1867, THE PASSAGE OF THE REFORM MEASURES, THE EN- FRANCHISEMENT ACT, THE CONVEN- TION BILL AND THE MILITARY BILL, THE ELECTION OF GOVERNOR SWANN AS SENATOR, HIS RES- IGNATION AND ITS CAUSES.

In the election of November 6, 1866, Mr. Knott was chosen a delegate from the Second Legislative district of Baltimore to the General Assembly of Maryland. This body embraced among its members some of the most eminent men of the State. In the Senate sat Hon. James T. Earle, George Vickers, Oden Bowie, William B. Stephenson, Levin L. Waters, Wm. Kimmel, Jacob Tome, Barnes Compton, Richard Mackall.

Gov. Philip Francis Thomas, Richard B. Carmichael, Isaac D. Jones, George R. Dennis, Oliver Miller, Edward Hammond, Henry Williams, James C. Clark, afterwards President of the Chesapeake & Ohio Canal Company, and later of the Ohio & Mobile Railroad; Charles B. Calvert, Chas. C. Magruder, Henry S. Magraw, Alexander D. Evans, John R. Rouzer, Upton Burhman, were members of the House of Delegates. In this latter body Mr. Knott took a prominent part. He was a

member of the joint committee of ten of the Senate and of the House, which was appointed on the second day of the session to frame and report a bill for the call of a convention of the people of the State to form a new Constitution. This committee was composed of the following gentlemen: Messrs. William Kimmel, Oden Bowie, George Vickers, G. Fred Maddox and Levin J. Broadwater on the part of the Senate, and Messrs. Richard B. Carmichael, A. Leo Knott, Francis P. Phelps, Wm. Tell Bixler and George W. Morgan on the part of the House. Messrs. Kimmel, Bixler and Knott were the members from Baltimore City. It was proposed in this committee, and the original draft of the bill brought in by its author, Judge Carmichael, the chairman of the committee, provided, that in the convention to be assembled under the call, the representation of the city of Baltimore and of several counties should be on the basis fixed in the Constitution of 1851. Under the Constitution of 1851 Baltimore City was represented in the General Assembly of the State by one Senator and ten members in the House of Delegates. The Constitution of 1864 divided Baltimore City into three Legislative Districts, and gave to each district one Senator and six delegates in the Lower House. It was sought in the committee to vindicate this proposed basis of representation on the grounds that

the Constitution of 1864 had never been adopted by the people, that in no moral sense could it be regarded as the expression of their supreme will; that it was forced upon them by Federal interference and Federal bayonets; and that its provisions, wherein it differed and departed from those contained in the Constitution of 1851—the last authentic expression of the popular will—should therefore be disregarded and ignored.

To this proposition in regard to representation in the convention Mr. Knott strenuously objected, contending that while the proposed basis of representation would but slightly affect the rights and interests of the counties, it would affect most seriously and materially the rights and interests of Baltimore City by reducing its representation in the convention by nearly half, from twenty-one to eleven. That it might well be feared that the basis thus proposed, if adopted in the bill, might be accepted by the convention assembled under it as a rule or precedent to regulate its own action in fixing the basis of representation of the city and the counties in the Constitution which would be the work of its hands, and thus the representation of the city of Baltimore might be permanently reduced and the equality of its people with the rest of the people of the State denied. He declared that while it was true that the Constitution

of 1864 had been forced upon the people of the State by military rule and the disfranchisement of a large number of its voters, yet it could not be denied that the basis of representation established in that instrument was just and equitable. Mr. Knott further reminded his Democratic colleagues in the committee that for many years before the Civil War broke out, the inequality of the basis of representation between the city and the counties in the General Assembly had been regarded as a great and serious grievance; that the Democratic party of the State had frequently, but in vain, protested against it, and sought its redress, and that it would ill become that party now, when in complete and undisputed control of the means of remedying that grievance, to refuse to do so, solely because the Republican party had availed itself of an opportunity, however obtained, to anticipate what would be or ought to be the action of the Democratic party in that behalf. He warned the committee that if the proposed basis should be adopted, it would seriously endanger the success of the call when submitted to the people even should the bill pass both Houses of the General Assembly of which, in the present political composition of that body, and should the proposed basis of representation be adopted, there was grave doubt, the delegation from Baltimore City in the House

being equally divided between Democrats and Conservatives. And finally, that if the majority of the committee should persist in embodying such basis in its report, he would feel it his duty to submit a minority report giving to the city of Baltimore and the counties the representation to which they were entitled under the Constitution of 1864. These views, after considerable discussion, prevailed in the committee. The basis of representation contained in the Constitution of 1864 with slight modifications was accepted; the citizens of Baltimore were secured in their rights to a fair and equal representation with the rest of the people of the State; the bill was unanimously reported to the House and subsequently passed.

He was a member of the joint committee of the Senate and House on Federal Relations, to which committee was referred the question of the ratification by the State of the XIV Amendment to the Constitution of the United States, which had just been submitted by Congress to the States. This committee, of which Hon. Isaac D. Jones was chairman, framed and reported a resolution refusing the assent of Maryland to the proposed ratification, which resolution was adopted by the General Assembly by a strict party vote. He was a member of the Judiciary Committee, and chairman of the Committee on Elections and of the Committee

on Internal Improvements. As chairman of this committee, Mr. Knott reported a bill making amendments to the charter of the Baltimore and Potomac Railroad, which passed the House notwithstanding the powerful influence of the Baltimore and Ohio Railroad Company, which was arrayed against them. These amendments enabled the Baltimore and Potomac road to construct a new line of railway communication between Baltimore and Washington.

As chairman of the Baltimore City delegation Mr. Knott reported, advocated and secured the passage of a bill for the appropriation of \$75,000 annually by the State for two years to aid the city of Baltimore in the construction and running of an ice boat to keep open a channel through the ice in the harbor of Baltimore. This measure met with opposition from an unexpected quarter. The members from the Eastern Shore counties were at first almost to a man against it. They wanted as a condition for their votes for the bill that the boat should also be employed in the harbors of all the towns of the Eastern Shore situated on tide-water. This would have left very little if any time for the operations of the boat in Baltimore harbor. A committee composed of Messrs. Robert R. Kirkland, Israel M. Parr and William Crichton, prominent merchants of Balti-

more, and representing the Board of Trade, were assiduous in their attendance during the action of the Legislature on this bill, and materially contributed to its success by their intelligent arguments and explanations.

During Mr. Knott's term in the House he secured for the first time in the history of the State a recognition of the value of the noble public work done by the charitable institutions in Baltimore City connected with the Roman Catholic Church. The committee appointed to visit and report upon the condition and wants of the public institutions of Baltimore receiving aid from the State, were invited to visit the House of the Good Shepherd and the foundling hospital known as St. Vincent's Infant Asylum. This committee was so impressed by the good work and admirable management of these two institutions that it unanimously recommended an annual State appropriation of \$3,000 to each of them for two years. These appropriations received the almost unanimous sanction of the House, but they failed in the Senate. A conference committee between the two houses subsequently agreed to and reported an appropriation of \$1,500 to each of these institutions. In this recognition by the State of these deserving public charities, Mr. Knott was aided by the members of the city delegation, by Hon. Oliver Miller, Speaker of

the House, who appointed some members of the committee on his recommendation, by Hon. James C. Clarke, chairman of the Committee on Appropriations, and Hon. Charles H. Nicolai, of Baltimore county.

The Legislature had now been in session for more than two months and yet the bill for the call of a convention to frame a new Constitution, although it had been introduced at a very early period of the session, was not yet passed. It had been called up twice, but the call had been suspended on the discovery of the fact, that, on each occasion, owing to the absence of some of the members of the House, and also to some jealousies which had sprung up between the Democratic and Conservative members of that body, the requisite two-thirds vote could not be secured for the bill. These deplorable jealousies had their origin in a primary election which had recently been held in Baltimore to nominate a Democratic Conservative candidate for mayor at a special municipal election provided to be held in April by an act which had been passed early in the session. This act, however, it was afterwards discovered failed to comply with certain requirements of the general election law, and the election under it was abandoned, and the act itself was repealed. A new bill providing for the same purpose had been introduced and was still pending in the Senate, where it had encountered a

decisive check by the ruling of the President of that body, Lieutenant Governor Cox, on a point of parliamentary law. The rivalries and ill feeling enkindled by this political contest in Baltimore were unfortunately transferred to Annapolis and entered as a very disturbing element into the question of the failure or success of the measures of reform still pending. They were finally adjusted, but not without considerable difficulty.

CHAPTER VII.

EFFORTS OF THE REPUBLICANS TO PREVENT BY INTRIGUE AND INTIMIDATION THE CALL FOR A CONVENTION, THE ELECTION OF GOVERNOR SWANN TO THE UNITED STATES SENATE, HIS RESIGNATION OF THAT HONOR, ITS CAUSES AND CONSEQUENCES.

Even after the Legislature had convened the policy of terrorism, intimidation and intrigue which had been inaugurated by the radical Republicans before the election and which had nearly succeeded at that time, was continued in order to deter that body if possible from proceeding in its work of emancipation and reform, and especially from passing a convention bill, the most important, comprehensive and indispensable of all its proposed measures, without which indeed the others were but temporary expedients of uncertain results.

In the early part of the session, Governor Swann in recognition of the valuable and patriotic services he had rendered to the cause of constitutional reform had been elected Senator of the United States for the term of six years from the 4th of March, 1867, as successor to Hon. John A. J. Creswell. This gentleman, who subsequently

entered General Grant's cabinet as Postmaster General, had, on the death of Hon. Henry Winter Davis, in December, 1865, succeeded that brilliant orator as the recognized leader of the radical wing of the Republican party in this State. Though the representative of a Southern State, Mr. Creswell had zealously supported by his voice and his vote the most extreme and radical courses of the Republican majority in the Senate towards the Southern State. It was a matter of profound gratification, therefore, to the people of the State that his place in that body was to be filled by a gentleman of conservative views and principles. Governor Swann had intimated his acceptance of the honor conferred upon him and had fixed on Tuesday, the 26th of February, as the day of his retirement from the Gubernatorial office, and of the installation of his constitutional successor, Lieut. Gov. C. C. Cox. Both Houses had made arrangements for the ceremonies usual at the performance of that function, and on Thursday, the 21st of February, had adjourned over to Monday, the 25th.

Late in the evening of February 22d, Mr. Washington Bonifant, the United States Marshal for Maryland, called at Barnum's Hotel, Baltimore, bearing a message from Hon. Montgomery Blair, of Washington, to Hon. (afterwards Judge) Edward Hammond, a delegate from Howard county in

the General Assembly, and to Mr. Knott. Mr. Hammond was not at the hotel, having gone the previous evening, immediately on the adjournment of the House, to his home in Howard county. The purport of the message thus sent was, that rumors of a grave and alarming character were rife in Washington as to what would take place at Annapolis upon the resignation of Governor Swann and the inauguration of his successor. These rumors were that Governor Swann would be refused admission to the Senate on the ground that his election was the result of a bargain with the disloyal element in the State; that it was a violation of the spirit if not of the letter of the Eastern Shore law—which had been repealed before Governor Swann's election as Senator and restored to the Statute Book afterwards—and that the vacancy thus created in the Senatorial representation of the State would be filled by the appointment of Senator Creswell by the new Governor. It was further represented that Governor Swann's successor in the office, Lieutenant Governor Cox, would use all his official influence to defeat the bill for the call of a convention, and failing in that would obstruct and prevent its being carried into effect, and to that end aid would be given him from Washington even to the extent of sending troops of the United States into the State, if necessary, and that thus the State would be taken

out of the hands of the rebels and its government once more placed in loyal hands.

This information was so startling, it so deeply impeached the personal and political integrity of the party concerned, it seemed so contradictory to the general tenor of his sentiments and conduct since his co-operation with the Democratic Conservative party, that for a moment Mr. Knott, to whom this information was imparted, could at first hardly give it credence. But particulars were given as the conversation proceeded and circumstances detailed, which were well calculated, on reflection, to arouse suspicion and alarm. It was known beyond question that the gentleman implicated by these rumors had been in Washington for a week, absent from his official duties in Annapolis as presiding officer of the Senate; and the message of Judge Blair besides conveyed the distinct and positive assurance that it was a fact known to him (Judge Blair) that during his visit to Washington Lieutenant Governor Cox had held two interviews, each of some length, with Secretary Stanton at the War Office. The Secretary was a most bitter and unrelenting foe of the South. Called to the Cabinet of Mr. Buchanan a few months before the retirement of that gentleman from the office of President, Stanton, had on many occasions manifested both by speech and conduct his sympathies with the South in the extreme

course it pursued and had fully sustained his chief in all the views he expressed in regard to the treatment of the seceding States; as a member of Mr. Lincoln's cabinet he had illustrated the truism that there is no hate like the hate of a false friend and a renegade. *Odit quem decepit*. In this conduct he was but a type of most of the Buchanan-Breckenridge leaders of the North; Gen. Benj. F. Butler, Caleb Cushing, General Dix, Daniel S. Dickinson, Gen. Isaac O. Stevens; men who in the National Democratic Convention of 1860, both in Charleston and in Baltimore, and during the Presidential canvass of that year and for some time subsequently, by their voices and votes had encouraged the leaders and the people of the South in the unfounded and unfortunate persuasion and belief that in their secession from that convention, and, consequently, from the Union, they would have the sympathy and support of a large part, if not of a majority of the Northern Democracy. To this general course of conduct on the part of the supporters of the Breckenridge-Lane ticket in the North after the Civil War began there was one notable and conspicuous exception—the Hon. Jeremiah S. Black, of Pennsylvania. He stood throughout that great struggle and during the dark period of reconstruction a grand and heroic figure, an Abdiel

among so many faithless. He had never advised nor encouraged secession, and therefore he never had occasion to run with indecent haste in order to atone for one apostasy by committing another, and to purchase his pardon and safety by the cruel exploitation of those who had been unfortunate enough to place confidence and belief in his counsels and assurances. During the war he met the storm of vehement and vindictive abuse and denunciation which fiercely beat upon him with an ability and eloquence so masterly, with a courage so calm, fearless and unquailing, that he conquered the reluctant admiration of his bitterest foes. The hired advocates of arbitrary power felt abashed in his presence when he entered the forums of the law to defend the imperilled liberties of the citizen or to uphold the prostrate rights of the States. His State has erected no monument to his memory, nor is it meet that it should so long as it numbers the Camerons, the Quays, and the Wanamakers among its great men and leaders. That time indeed may never come to the Commonwealth of Pennsylvania, but his name will live in the memories of honest and patriotic men who esteem and cherish the qualities of truth, justice, courage and honor as among the priceless treasures of mankind.

It was called to mind that during the disturbances which had taken place in Balti-

more at the election in the preceding November, the radical leaders of that revolutionary movement had held some sort of correspondence with Secretary Stanton. It was known also that since the election members of the Republican party, some of them high in its councils, had on several occasions made threats and had given out intimations to the effect that the ascendancy of the Democratic party in the State would be short-lived, and that loyal men would soon have their own again. These threats and intimations were regarded at the time as puerile and amusing, but with the intelligence thus imparted they ceased to be amusing and began to wear "a weighty and a serious brow." This information, Mr. Blair further requested, should be immediately communicated to Governor Swann. This was done on that night. The Governor was not disposed to give weight or consideration to the rumors. He regarded them as wild and extravagant; but he declared, however, that he would communicate with friends in Washington and ascertain, if possible, what foundation existed for them.

It is needless to say that this information occasioned profound anxiety to the friends of constitutional reform in the city, to a few of whom it was communicated on the following day; for it was not deemed advisable to give it too extensive a circulation without additional facts and further inquiry.

On Sunday, the 24th of February, Mr. Knott, to whom this message from Mr. Blair had been delivered, had an interview with the Hon. S. Teackle Wallis. This interview was suggested by the knowledge Mr. Knott had acquired of certain controversies which had for some time been pending in one of the courts of Baltimore City, which had been very recently settled, and in which Mr. Wallis had been of counsel. From Mr. Wallis facts were learned of an important character concerning transactions which threw a flood of light on the subject and opened a clew to the motives and causes which, it might very well be supposed, could and would, operate with potent influence to bring about the condition of things in the State which was indicated and threatened by these rumors should Lieutenant Governor Cox be installed in office. The facts thus obtained were immediately communicated to Governor Swann with an earnest appeal to him to remain at the helm of State, at least until these rumors could be investigated, and either their truth established or their falsehood exposed. It was urged on the Governor that whatever doubt there might be as to the truth of the rumors reported to be in circulation in Washington—though the fact of the two interviews with Secretary Stanton gave them great color of probability and support—there could be none whatever con-

cerning the facts of grave import and significance communicated by Mr. Wallis.

Other gentlemen, both in Baltimore and at Annapolis, whither Governor Swann returned on Monday morning, united in pressing these views, and in following up this appeal to Governor Swann. Among the gentlemen of Southern views and sympathies who called on Governor Swann in Baltimore on that Sunday to tender to him their sympathy and support, to express to him the sentiments of their appreciation of his services to the State, and their hope that, in the grave exigency which had so unexpectedly arisen, he would postpone, for the present at least, his retirement from the Gubernatorial chair, were Mr. Samuel Smith, Mr. Neilson Poe, Sr., and Mr. Samuel H. Taggart. In a conversation with Governor Swann on the evening of Saturday, the 23rd of February, the Governor had complained to Mr. Knott of the want of sympathy and support he had met with from the Democrats and Southern sympathizers during the election troubles in the preceding November, and since, notwithstanding his exertions and sacrifices to secure them their political right. "He had," he said, "burnt his bridges behind him so far as his connections with the Republican party were concerned, and had estranged some of his oldest and closest friends (naming some of them), gentlemen who,"

he declared, "had always been his steadfast supporters in all the positions he had ever held, as President of the Baltimore & Ohio Road, as Mayor of the city, as Governor and as President of the First National Bank; that while he had lost, he presumed, the friendship of these gentlemen on account of his efforts to secure the people their rights, he had failed to conciliate the cordial sympathy and support of many of his new allies." The complaint was just. The visit, however, of the gentlemen above named, and the call made upon the Governor at his official residence in Annapolis by Judge Carmichael and Gov. Philip Francis Thomas on the afternoon of Monday, the 25th of February, contributed to allay the just irritation and to soothe the susceptibilities of Governor Swann. After fully weighing the matter, the Governor, late on the evening of Monday, the 25th of February, invited several of his friends, members of the Legislature, to the Executive chamber and informed them that he had concluded to defer his retirement from office of Governor for the present, and that the inauguration of his successor would not take place on the day following, the 26th, as designated. This announcement produced a profound sense of relief as it became known. On Friday, the 1st day of March, Governor Swann sent to both Houses of the Legisla-

ture a formal message, announcing his definite and final resolution not to accept the position as Senator, but to remain in office as Governor of the State. In this message he stated: "It had been my purpose, in response of the people of the State, to have accepted the high trust; and I had so expressed myself on various occasions, and more recently in an interview with the Lieutenant Governor. Within a short time past however, and up to the date of my communication to that officer on the 26th ult., when my resignation was to be officially announced to the Legislature, I have been visited by such appeals from the representative men of the State, urged with an earnestness and unanimity which could hardly be mistaken, asking my continuance in the Gubernatorial chair, that I did not feel at liberty to consult any individual preference of my own in making up a final judgment upon this subject. I have no right, from any motive of personal ambition in connection with the Senatorial office, if such could be supposed for a moment to influence my action, to disregard my paramount obligation to the people of my State. I deem it proper to avail myself of the earliest opportunity compatible with the public interest, and in deference to what I believe to be my duty to the people of the State of Maryland, to decline the appointment of Senator of the United States for six years from the 4th of

March, 1867, and to return to the General Assembly of Maryland my grateful appreciation of the distinguished honor they have conferred upon me."

To this message the General Assembly of Maryland, by joint resolutions offered in the House, by the Hon. Isaac D. Jones, returned the following answer: "Resolved by the General Assembly of Maryland, That the communication just received from his Excellency, Thomas Swann, announcing his declination of the office of United States Senator, to which he had been chosen by the present Legislature with great unanimity, has under the peculiar circumstances which surround it, impressed the Legislature with profound sensibility; and that in view of the momentous interests involved, and the cause of constitutional government in all States,^q the Governor to remain firmly at his post in the Executive chair, at this juncture in the affairs of the State, an evidence of the same devotion to its welfare which has in the past earned for him its highest honors and will in the future more strongly commend him to the confidence of the people."

These resolutions adopted by the General Assembly by more than a two-thirds vote in each House fully expressed the opinion of the members of that body on the gravity of the crisis which had arisen, and their sense of relief that the crisis had been averted through the patriotic course pursued by

Governor Swann, and also their appreciation of the personal sacrifice on his part which that course involved.

To complete the history of this incident in the political transactions of that period it is proper and necessary to add: That on the 4th day of the ensuing March, from his place as the President of the Senate, Lieutenant Governor Cox delivered an address to that body in which he denied the truth of the rumor which attributed to him the intention, in the event of his succeeding Governor Swann and of the refusal of the Senate of the United States to admit that gentleman to a seat in that body; to appoint Hon. J. A. J. Creswell to fill the vacancy thus created and the imputation on his personal and political integrity which that rumor carried with it, and requesting the appointment of a committee to investigate the rumor. A committee was accordingly appointed. This committee on the 21st of March reported that they had called on Governor Swann who "had disclaimed basing his action in resigning the office of Senator on this rumor and that his (Governor Swann's) course had been dictated by high motives of State policy," and that these rumors had in all probability originated in the excitement incident to the sudden and unexpected action of Governor Swann. There was no disposition to press this matter further as the State had been delivered

from the peril which threatened it. That that peril was grave, all realized, and the resolutions of the General Assembly above quoted, adopted by more than a two-thirds vote of each House, bear witness. There has never been since any reason or ground furnished to change or modify the opinion and belief at that time so generally and authoritatively expressed. On the contrary, subsequent events confirmed that opinion and belief. After the adjournment of the Legislature Lieutenant Governor Cox removed to the city of Washington, and in a short time thereafter was appointed health officer of that city. Subsequently he was appointed by President Hayes United States Commissioner to the World's Fair, held in 1879, at Melbourne, Australia. On his return from that mission he was seized with a mental ailment from which he never recovered. He died in 1880.

Gov. Philip Francis Thomas was elected to the United States Senate in place of Governor Swann. The action of that body on that gentleman's presenting the credentials of his election, illustrates the bitter animosity and proscriptive spirit which at that time prevailed in the most distinguished public body of the country. Governor Thomas was refused admission on the ground that he had given his son the sum of one hundred dollars on the eve of his departure for the South during the war. This

refusal to admit Governor Thomas on so wretched and flimsy a pretext was regarded, at the time, as a confirmation of the truth of the rumors above detailed, as to what would be the action of the Senate toward Governor Swann had he presented himself for admission under the circumstances of his election.

Hon. George Vickers, of Kent, an original Union man, but who had taken an early and active part in the Democratic Conservative movement, was subsequently elected to the Senate in the place of Governor Thomas, and took his seat in that body. This was the final, and on the whole, the happy termination to an episode in the history of that period, which, for a while, created profound anxiety and grave apprehensions. The exigency was sudden, the time for action brief, important offices were at stake, and frankness, delicate management and a spirit of patriotism were required in dealing with the conflicting personal and political interests and ambitions involved. Fortunately, these were not wanting, as the event demonstrated.

The Republicans of Maryland fully realized how vitally important to them was the defeat of the bill for a convention to frame a new Constitution, and they strained every nerve to accomplish that defeat. They were persuaded that if the Constitution of 1864, with its iniquitous 4th Section of Article I,

and its sweeping and comprehensive denunciations and disabilities, should remain the fundamental law, they would have an immense advantage in that fact in future contests for political supremacy in the State. They would in that case also retain possession of the judiciary; and the Democratic Conservatives of Baltimore had in the conduct of Judge Bond recent and painful experience of how powerful an instrument for party purposes that branch of the government may be made in the hands of men who sink the judge in the partisan. Nor was Judge Bond alone in this respect. The conduct of some of the judges in other parts of the State, and the decisions of the Court of Appeals by a majority of four judges to one in the cases of Hardesty vs. Taft and Anderson vs. Baker, in 23 Md. Rpt., illustrate the truth of which the history of England, and of our own country as well, furnishes examples: That Judges after all are but mortal and fallible men, that when elected or appointed upon party considerations and for party or personal services, they are not forgetful nor ungrateful, when great party interests are involved in questions before them; and that in the last resort the defense and preservation of a people's rights and liberties cannot with safety be intrusted in other hands than those of the people themselves.

The enfranchisement act had been passed,

but only as a temporary measure to meet emergencies which might arise before a new Constitution could be framed, adopted and put in operation. In regard to that act it may be said that there was a plausible, nay a reasonable doubt, as to whether the saving clause in the 4th Section of Article I, which gave to the General Assembly under certain conditions the power "*to restore the citizen*" who had committed any of the enumerated acts of disloyalty "*to his full rights of citizenship*" would be construed to sustain so general and sweeping an enfranchisement of the people of the State *en masse*, as was effected, or attempted to be effected, by that act. The municipal bill for giving a new government to the city of Baltimore had not been passed; but in anticipation of its passage the radical Mayor and City Council of Baltimore had already made an appropriation of \$10,000, and authorized the employment of counsel to contest its validity in the Courts; and Mr. Henry Stockbridge and Mr. Archibald Stirling, Jr., had been retained for that purpose. Both these measures would have to run the gauntlet of a hostile judiciary, should the convention bill be not passed, and the Constitution of 1864 remain the law of the land.

In the meantime too the conflict between President Johnson and the Republican Congress had reached a point of intensity which rendered the impeachment of that magis-

trate inevitable. Should impeachment proceedings end, as it was generally believed they would end, in the conviction of President Johnson and his removal from office, that result would remove the most powerful obstacle to the accomplishment of the purposes of the Republican party in the State. No wonder then that the Republicans intrigued and threatened. The change of a single vote in the Senate would defeat the bill for a convention. One of the results of the miserable scramble which had taken place in Baltimore for the mayoralty nomination had been, it was claimed, to transfer two votes in that body to the ranks of the opponents of the bill. The claim was not without foundation. These two votes were however afterwards secured for the convention bill by the abandonment of the pending municipal election bill.

CHAPTER VIII.

THE CONVENTION BILL, THE MILITARY BILL, AND THE BALTIMORE MU- NICIPAL BILL.

The people of Baltimore City were for many just and substantial reasons, anxious for as speedy a deliverance as possible from radical mal-administration of their municipal affairs under which they had suffered so long. But they did not realize the practical difficulty which confronted the representatives of the Democratic Conservative party in Annapolis in the alternative presented between an abandonment of that measure of local relief, the municipal election bill, which, if even passed, would have a doubtful result, as already pointed out, and the loss of the convention bill. Numerous appeals by letter and in person were made to members of the House from Baltimore City urging upon them the passage of the municipal election bill even at the sacrifice of the convention bill. These appeals were sometimes threatening in their tone. Meetings were held in several of the wards of Baltimore City, and delegations of citizens visited Annapolis for the same purpose. Even a part of the city press uninformed as to the actual situation and of the nature of the issue indulged in un-

favorable criticism of those who were doing everything in their power to avert a threatened peril to the State and to extricate the Democratic party from the entanglement and difficulty in which it had become involved through the narrow and selfish policy of a few of its members. Without the aid of the Conservative Republicans the success of the movement in the election of November, 1866, would have been doubtful; indeed, impossible. Now that the contest was over and the danger past the mortifying spectacle was presented in our city of men who during the conflict had done nothing or had kept in close hiding, demanding, with Falstaffian courage, the exclusion of all Conservative Republicans from official positions in disregard of the manifest fact that without the aid of Conservative Republican votes in the House and Senate the convention bill could not be passed.

Later on, however, when the citizens of Baltimore became better informed upon this subject and realized the danger to which the course they had recommended would have subjected their greater and paramount interests they did full justice to the motives and conduct of those who against their protests and remonstrances had the courage and foresight to carry out a policy they deemed necessary to the complete and final emancipation of the people of the State. With some, however, it was a question of

the immediate possession of the spoils of office. It was in vain pointed out to these persons that by the course they wished pursued, they would get a lawsuit on their hands and not the offices; that the convention could, in the new Constitution which it would frame, order a municipal election and give to Baltimore a new city government which would be free from all objections, and beyond the reach of any controversy in the Courts because these tribunals would at the same time be wholly reconstructed by that instrument.

This suggestion was subsequently carried out by the convention, and Article XI, Title, City of Baltimore, makes its appearance in the Constitution of 1867. This article provided for an election in October, 1867, of a Mayor and City Council invested with certain powers and duties, but saving to the General Assembly of the State full control over the corporation thus created and directing that the article should not be so construed as to make Baltimore independent of the State. This experiment and anomalously in Constitution-making—an innovation without a parallel in the fundamental law of any State—was made in deference to the wishes of the people of Baltimore, and has its explanation in the circumstances here narrated. In the recasting of the net, however, into the pool of municipal offices, which, in consequence of this course, was

rendered necessary, some of these recalcitrant gentlemen lost the prizes, the city offices, which they had so selfishly coveted and which they had regarded as secured, and they never forgot nor forgave those who, in their judgment, had been, however innocently, instrumental in the loss.

In conclusion, it may be affirmed that had the Legislature of 1867 adjourned without passing a convention bill, the radical Republicans of Maryland would have at once prepared to make a desperate attempt to regain the political control and possession of the State. In this attempt, in addition to "the coign of vantage," the retention of the Constitution of 1864 and the possession of the judiciary of the State would have given them, they would have commanded some powerful outside influences and resources which would have enabled them at least to prolong the struggle for supremacy for an indefinite period, certainly until to the close of General Grant's administration, even had they been ultimately unable to accomplish their avowed purpose, the permanent recovery of the State into "loyal" hands. No one familiar with the events and circumstances immediately preceding the election of November, 1866, and General Grant's connection with those events and circumstances, as previously recounted, and also familiar with the course pursued by General Grant in Louisi-

ana in 1872, under circumstances analagous to those which would have existed in Maryland, in the hypothesis of a failure of the convention bill, can doubt on which side in that struggle for the political control of our State the sword of General Grant would have been cast.

No sooner was this difficulty, growing out of its own domestic dissensions removed, when the Democratic Conservative party was called to confront a new danger. At a meeting of the Republican State Central Committee held in Baltimore in February, 1867, it was foreshadowed, indeed threatened, that should the convention bill be passed Federal interference would be invoked. The alleged grounds for this interference were: that the Legislature itself was illegally elected in violation of the registration laws, and of the provisions of the Constitution of 1864; that it was chosen by, and was largely composed of, disfranchised rebels; that the call for a convention was in disregard of that Constitution, and that the body convoked under it would be revolutionary in its character. It was also boldly asserted that should such convention assemble, a government under the Constitution of 1864 would at once be organized, and Frederick City, it was said, was selected as the place for its organization. This government would appeal to Congress for recognition and to the war department—then

under the exclusive control of Secretary Stanton—for military support. There were not wanting among the Democratic Conservative members of the Legislature timid counsellors who advised a postponement of the bill for a convention to some more opportune time, to a time more free from the difficulties and embarrassments growing out of the existing condition of the country, to a future General Assembly, which under the general enfranchisement act, that had been already passed, it was thought that the Democratic Conservatives of the State would at any time in the future be able to control. But this course would have endangered everything; as the enfranchisement act itself, as before stated, would have in the meantime to undergo the criticism of a hostile judiciary. To meet this emergency and to prevent the disastrous results involved in such surrender of everything that had been contended for during three years of painful struggle, a caucus of the Democratic Conservative members of the Legislature was promptly called, two weeks before the close of the session. In this caucus Mr. Knott offered the following resolution: "Resolved, That the Democratic Conservative members of the Legislature in caucus assembled, hereby pledge themselves to lay aside for the present every other measure of a political character, in-

cluding the bill now pending in the Senate for a special municipal election in Baltimore, and to postpone all private business; and to devote the remaining part of the session, if necessary, to the passage of the convention bill and of the military bill for the organization of the militia of the State; to the prompt passage of which measures we hereby pledge ourselves." This resolution was adopted with greater unanimity than was expected after a brief discussion, in which the absolute importance of these two measures was explained and insisted upon. These two bills were immediately put upon their passage and carried through the Legislature, the two recalcitrants in the Senate, Hons. Thomas H. Mules, of the Second Legislative District of Baltimore City, and Geo. Fred. Maddox, of St. Mary's, having been won over by the sacrifice of the Baltimore municipal election bill. This was the answer of the General Assembly of Maryland and of the Democratic party of the State to the threats of armed Federal intervention. The call for the convention was sustained by an overwhelming popular vote. The convention assembled in pursuance of the call, and gave to the people of the State a Constitution stripped of all obnoxious and proscriptive clauses and disabilities, and restored the people to the full enjoyment of all their rights and liberties as freemen. In the convention which assem-

bled under the call and framed the new Constitution there was not a single representative of the radical Republican party. In the State election which took place in November, 1867, under the new Constitution, the Democratic majority of Governor Bowie over Judge Bond, the radical Republican nominee, was forty-one thousand. The Republicans did not elect in that year a single Senator or delegate to the General Assembly of Maryland; they did not carry a county in the State and their ticket was successful in only twenty-three election precincts in the State. This result, the absolute fairness of which has never been questioned, amply sustained the charge and claim of the Democratic party that the Republicans never represented more than one-third of the voters of the State; and is moreover an unanswerable refutation of the pretensions of Lincoln's biographers, Messrs. Hay and Nicolay, that the majority of seven thousand four hundred and fourteen claimed for Mr. Lincoln over General McClellan in the Presidential election of 1864, in Maryland, was a vindication of the truth of their assertion that the carrying of the Constitution of 1864, in October of that year, "was in entire harmony with the manifest popular will of the State." And in 1868, under the operation of the provisions of the military bill, Baltimore witnessed the largest and finest display of citizen soldiery that ever

before had been seen on its streets. This, too, was the beginning of that splendid military organization, the Fifth Regiment, of which our city and State are so justly proud.

The work of the Democratic State Central Committee, begun in February, 1864, after more than three years of arduous and almost incessant labor under circumstances of great discouragement, and even of danger, was now triumphantly accomplished. Maryland was again free.

Mr. Knott represented his State in the National Democratic Convention of 1864, and in that of 1872; and was a member of the National Democratic Executive Committee from 1872 to 1876.

In 1884 he took an active part in the campaign which resulted in the election of the Democratic candidate for President, Grover Cleveland, making speeches in Maryland, West Virginia, New Jersey and New York.

In 1885 Mr. Knott was offered and accepted the position of Second Assistant Postmaster General under Mr. Cleveland's first administration, a position which he filled to its close.

On the appointment of Mr. Knott to this office the *Baltimore Sun* in its issue of Thursday, April 2, 1885, made the following editorial comment: "The appointment of Mr. A. Leo Knott to be Second Assistant

Postmaster General is in every respect one of the very best that could have been made. It is as honorable to the President and to Mr. Vilas, the Postmaster General, as it is gratifying not only to Maryland, but to all who are acquainted with Mr. Knott, and who know with what conspicuous ability he filled for twelve years the office of State's Attorney for the city of Baltimore. During the three successive terms for which he was elected, he proved himself to be one of the most energetic and fearless prosecuting officers that Baltimore has ever had, and on his retirement from a position that was both delicate and arduous, the thoroughly noble manner in which his official duties had been performed was made the subject of the warmest approval from the press of the city. Mr. Knott has been heartily in accord with the principles of the Democratic party ever since the time when, in 1858, he first began to take an active part in political affairs. He has not been a blind partisan, but, while holding to his party, has shown on occasions a conservatism and a spirit of independence that won for him the respect even of those with whom he differed on points of policy or methods of action. He has filled various places of honor in the party, being a member of the Legislature, of the State Democratic Convention of 1864, and was a delegate to the National Democratic Conventions of 1864 and 1872. As an eloquent

public speaker his services have been frequently in request at home and in other States. His appointment as Second Assistant Postmaster General has, therefore, been well earned, and to Maryland it is especially welcome, as it is intimately connected with that branch of the service which concerns the transmission of the mails. We have no doubt that Mr. Knott will bring to the work that is before him the same zeal and thoroughness for which he was distinguished as State's Attorney, and which has been a marked feature of his political and professional career." The *Baltimore American* and *The Daily Evening News* also referred to the appointment with approval and in kind and complimentary terms to the recipient of the appointment.

Mr. Knott entered upon the duties of this position on the 12th day of April, 1885. The office was one of great labor and responsibility. It embraced the entire transportation of the mails of the United States, upon railroads, steamboats and by star routes, that is, transportation of the mails by any other means than by rail or steamboat, and was concerned with the annual expenditure of more than thirty millions of dollars. The establishment and the inspection of the service, together with the railway postal car service were under his charge. To familiarize himself with the duties of the office Mr. Knott spent two

months in the summer of 1885 in the examination and inspection of the service, going as far west as Salt Lake City, on the Denver and Rio Grande railroad, and to Bismarck on the North Pacific, and north to Chicago and Duluth, traveling most of the time in railway postal cars. It was his custom during his incumbency of the office to devote at least one month every year to such tours of inspection, and he acquired by this means a fund of valuable information in regard to the condition and requirements of the service.

While holding this office Mr. Knott introduced several changes and improvements in the branch of the postal service under his charge—the transportation of the mails—the value of which was recognized by their retention by his successors in office. In 1886, Mr. Knott prepared with the aid of two of his subordinate officers, and submitted in his annual report to the Postmaster General and to Congress, a plan for adjusting the pay of railroad companies for railway mail transportation and postal car service, the cost of which had grown enormously under the existing system. This plan—the leading feature of which was the substitution of car space used in the transportation of the mails for weight of mails carried as the basis of remuneration—it was reliably estimated would save the Government at the rate of \$1,200.00 annually; while the railroad

companies would be spared the arbitrary and capricious reductions which Congress made from time to time whenever an economical fit seized that body, and there were no other objects to exercise it on. In 1876 and 1878 Congress had made such reductions; the first of ten per cent. and the second of five per cent., on the whole cost of this service. These summary, indiscriminate and procrustean methods of dealing with an intricate and complex problem—the solution of which demands the consideration of the constantly changing requirements of the service and of the ever varying wants and conditions of the country, excited the resentment of the railroad companies and were detrimental to the service. But Congress and the Postmaster General took no action on the matter. In the meantime the cost of this branch of the postal service has continued to grow until it now reaches the vast sum of thirty-four million dollars annually. In 1886, he was sent by the Postmaster General to arrange with the Governor General of Cuba an agreement for the transmission of the Spanish mails between Cuba and Spain by way of Key West, Tampa and New York by the steamers Olivette and Mascotte, in connection with the Plant system of railway between New York and Tampa; which agreement was entered into. In December, 1886, on the resignation of Judge

William A. Fisher from the bench of Baltimore City, Governor Lloyd offered to Mr. Knott, through Hon. Robert A. Dobbin, the appointment to fill the vacancy thus created. He accepted it, but subsequently, in deference to the expressed wish and request of President Cleveland to remain in the Post Office Department until the close of his administration, Mr. Knott declined the appointment. On his retirement from office, in April, 1889, Mr. Knott resumed the practice of his profession, opening offices in Washington and Baltimore. In 1890, Mr. Knott became associated with the late Mr. Linden Kent, Mr. R. Byrd Lewis and Robert J. Washington, in the conduct and management of the interests of the heirs of Henry Harford, the last Lord Proprietary of Maryland, in the suit instituted by the United States Government under an act of Congress to adjudicate and settle the right and title of parties to the submerged lands under the Potomac river opposite Washington. These lands the Government proposed to reclaim and improve for public purposes. The case was argued in 1895 before the Supreme Bench of the city of Washington, and is now pending in the United States Supreme Court.

Mr. Knott took part in 1892 in the campaign in favor of Mr. Cleveland, and in that of 1896 in favor of Mr. Bryan, the nominee

of the Democratic party, and in support of the Chicago platform.

Mr. Knott is the son of Edward Knott, a native of Montgomery county, and for many years a farmer and tobacco planter in that county, afterwards a citizen of Baltimore, and an officer in the War of 1812, and of Elizabeth Sprigg Sweeney, a daughter of Allan Sweeney, of Chaptico, St. Mary's county, and of Ellinor Neale, his wife. Edward Knott was the son of Zachary Knott, who removed from St. Mary's county, and settled in what was then known as Frederick county, in 1771, and engaged extensively in tobacco planting. This Zachary was a descendant of John Knott, who came into the province of Maryland from Yorkshire, England, in 1642. (See Kilty's Landholder's Assistant; pages 69, 76.)

Both on his father's and mother's side Mr. Knott is connected with Neales, the Medleys, the Darnells, the Digges, the Spaldings and other Catholic families of the colony of Maryland. Through these families Mr. Knott is descended from the first colonists of Maryland, the Pilgrims of the Ark and of the Dove, of the men who, in the language of Bancroft the historian, "were the first in the annals of mankind to make religious freedom ^{the} ~~and~~ basis of the State."

He is a member of the Roman Catholic Church, by birth, education and conviction. He has been called upon to deliver many ad-

dresses on literary and historical subjects before collegiate and other bodies in Baltimore, New York, Washington, and other cities. In October, 1891, at the celebration of the Centennial Anniversary of the foundation of his alma mater, St. Mary's College, he delivered the alumni oration. On October 12th, 1892, he delivered the oration on the occasion of dedicating the monument erected to Christopher Columbus in Druid Hill Park by the Italian Societies of Baltimore. He has been a frequent contributor to the press on political and historical subjects.

In 1873, he married Regina M. Keenan, the daughter of Anthony Keenan, an old and respected citizen of Baltimore, and of Mary Phelan, his wife. The ancestors of Mary Phelan came from Waterford, Ireland, in 1776. Two of her uncles, John Phelan and Philip Phelan, joined the American army at Boston, in September of that year. John Phelan entered as ensign and was promoted January 1st, 1777, to the rank of lieutenant in Colonel Smith's regiment of the Continental Army. Philip Phelan was lieutenant of the Third Company of Col. Henry Jackson's Sixteenth Regiment of the Massachusetts Line. He afterwards held the same rank in the Continental Army. Both these officers were with General Greene in his southern campaigns. Philip fell at the battle of Eutaw Springs. John

Phelan went through the revolutionary struggle, remaining in the army until its disbandment at Newburgh, in October, 1783, in the meantime attaining to the rank of captain and also of major by brevet.

After the war John Phelan settled in New York and entered on a mercantile life. He made several voyages as a supercargo, in the last one of which he was shipwrecked with the loss of all he possessed. On his return to this country he removed to Baltimore and opened and conducted for many years a classical and mathematical school on North Exeter street. He had among his pupils the late Christopher Hughes, an accomplished diplomat in his day and for many years the American Minister at the Hague; Mr. George W. Andrews, in his time a well-known chemist of Baltimore, and the late Hon. William H. Gatchell. He was a member of the Cincinnati Society. He died in Baltimore, September 13, 1827, and was buried with military honors.

Mr. Knott is a member of the Maryland, the University, the Country, and Catholic Clubs of Baltimore, and of the General Society of the War of 1812, of which Society he was, at its last biennial meeting, held in Baltimore on the 21st of June, 1898, unanimously elected Judge Advocate General.

APPENDIX "A."

ADDRESS OF THE DEMOCRATIC STATE CENTRAL COMMITTEE OF MARYLAND.

[As this address of the Democratic State Central Committee was issued *fervente opere* during the political transactions narrated in the preceding relation, it was thought its production in full would prove interesting.]

FELLOW CITIZENS: We address you on a subject of momentous interest to you as citizens of Maryland. The right of elective franchise, that great and invaluable right, the possession of which distinguishes the free citizen of a commonwealth from the subject of despotic government, on the exercise of which every other right of person or property ultimately depends for security and protection, is threatened with total overthrow and perpetual extinguishment among us. And yet we mark with pain and mortification the apathy and indifference with which the execution of so nefarious a scheme is received by the great body of its intended victims. While the thoroughfares of trade and the paths of pleasure and enjoyment are thronged with the busy or the idle, the only avenue to safety from the meditated and impending blow is comparatively deserted. The name which is given to this scheme, in the statute book, is "An act relating to the registration of the voters of the State." If properly denominated according to the intent and meaning of its authors, as by the Constitution it ought to be, and as it is being practically executed in many parts of the State, it should be entitled "An act to disfranchise the Democratic and Conservative voters of the State, and to secure ultimately the

establishment of negro suffrage and negro equality therein." That law was designed by its framers to effect a purpose which they had not the hardihood to avow, and to consummate by an act of supreme and universal injustice, a series of outrages on the principles of republican government and constitutional freedom, and secure thereby a continuation of power and perpetual immunity to their perpetrators. Nothing short of the permanent disfranchisement of the great body of the people was adequate to the accomplishment of this purpose. And to that act the minority party of the State which, with many aliases, and under various disguises, has usurped the power of the people for the last ten years, was found to be equal.

We denounce this law at the outset, therefore, as unconstitutional, as violative of some of the most explicit provisions of the Constitution of the United States, and of the Bill of Rights of our own State, as subversive of all republican government, as establishing the most intolerable of all despotisms, the rule of an oligarchy, and as introducing and attempting to naturalize on American soil the detestable doctrine which British tyranny sought to enforce against our fathers—taxation without representation.

But, nevertheless, fellow-citizens, the law is upon the statute book, and until repealed by competent authority, or pronounced unconstitutional, and therefore null and void, by the courts, is, for the period of its existence, the rule of our conduct, and the measure of our political rights.

Recognizing this fact, painful as it is, we propose to call your attention to some of the provisions of this law, and the rights and duties of the citizen under it.

The twentieth section of this act provides "that if any officer of registration shall knowingly, corruptly and fraudently, in violation of the provisions of Article I of the Constitution or of this act, permit the name of any disqualified person to

be entered on the list or register of qualified voters or exclude therefrom the name of any qualified voter, he shall, upon conviction thereof, forfeit and pay a fine of not less than one hundred nor more than five hundred dollars for each offense, and shall be disqualified from holding any office of honor, profit or trust, and from exercising the elective franchise in this State."

Now, the right of suffrage being defined and settled by the Constitution and Bill of Rights, neither the Legislature, nor the Registers acting under its authority, have the power, by setting up tests of qualification unknown to these instruments, to disfranchise a voter; any attempt on the part of the Registers to do so would be "a knowing corrupt and fraudulent exclusion of the voter," subjecting the Register to the operation of the pains and penalties denounced in the act. In addition to these the Register so offending would be liable, in a civil suit, for damages, at the instance of the aggrieved party. This last point is settled by our Court of Appeals, in Eighteenth Maryland Reports, 479.

The whole question of the right of suffrage is regulated by Article VII of the Bill of Rights, and sections 1, 2, 3, 4 and 5 of Article I of the Constitution. Article VII of the Bill of Rights declares "that the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen, having the qualifications prescribed by the Constitution, ought to have the right of suffrage." The disqualifying clauses which present the only question for discussion at present are contained in the 4th section of Article I of the Constitution.

Waiving for the present, all inquiry into the unconstitutionality of many of these disabling clauses, and the incompatibility of some of them with the above recited Article VII, and also of Article XVII of our own Bill of Rights, which

denounces and interdicts the making of any *ex post facto* laws it is very clear and very certain that this classification embraces all who can be held to be disqualified under the existing Constitution, and it is manifestly incompetent either for the Legislature or for the Board of Registers to add to it. And these clauses being in derogation of the great and fundamental right of the citizen, which had been previously secured in the Bill of Rights, and punitive in their character, the Registers are bound to construe strictly, with a view rather to contract than expand their operation. This is an old and settled rule of statutory interpretation. From this brief review of the Bill of Rights, the Constitution and the act under consideration, we deduce these conclusions.

1st. That the applicant for registry having taken the oath prescribed in the fourth section of the first Article of the Constitution, is *prima facie* a legal and qualified voter, and as such is entitled of right to be registered.

2d. That to defeat this presumption of law in his favor, the production of the sworn testimony of witnesses, going to show acts, or declarations on his part, bringing him within some of the disqualified classes, is essential; and on such production, the applicant is entitled to be confronted with the witnesses against him, and to call for and examine witnesses on his own behalf.

3d. That such examination being judicial in its character, before the Registers sitting impartially between the applicant and the assailant of his right, the Registers cannot suffer any personal knowledge, much less any mere surmise or opinion, on their part, to affect the case before them to the applicant's prejudice; should any such personal knowledge, bearing on the case, be in the possession of any of them, he must proffer his testimony, if desired by him, as a witness under oath. To do otherwise, and to reject an applicant on unsworn charges or statements, whether of the Registers or others, or on mere

opinion or suspicion, would amount to "a knowing, corrupt and fraudulent exclusion of a voter." And would bring the Register so offending within the pains and penalties announced in the twentieth section of the act.

4th. That the Registers have no right to ask any questions of the applicant after taking oath, other than those which manifestly and necessarily grow out of the terms of the oath, as expressed in the Constitution, or which refer to his age or residence. Any questions, outside of these constitutional limits, are irrelevant and unwarranted, and the applicant may decline answering, if he thinks fit, without affecting his right to registration; and should the Register, on his refusal to answer such questions, undertake to exclude the applicant from registry, such an exclusion would amount to a "knowing, corrupt and fraudulent exclusion of a qualified voter," entailing on the Register so excluding the forfeitures and disabilities provided in the act.

We have been thus particular, fellow citizens, in explaining the main and leading provisions of the law, that, having this information, you may decide for yourselves knowingly and conscientiously on this important subject, involving the existence of rights the most precious and sacred in the eyes of freemen, and the gravest interests of the State. It will be seen that odious as is the law, intolerant as is its spirit, it has not altogether left the victim of its intended outrage without any weapon of defense. If the citizen, who is qualified under the Constitution and Bill of Rights, makes his claim to registry, and he should be refused, he retains by that act the means whereby, when our State shall be restored to its normal condition, and the administration of the law to its purity and integrity, as it assuredly will be, and that ere long, he may recover his right and may bring the corrupt instruments of his spoliation to condign punishment.

Let not, therefore, the siren voice which calls

for postponement and inaction, and whose counsels, heretofore, have paralyzed your efforts and led to so many of the evils that now afflict the State, exercise its fatal and benumbing influence over you any longer. We earnestly invoke all of you, who, in your judgments and consciences, know and feel that you have done none of the things which bring you within the disabling clauses of the Constitution, to present yourselves to the Registers of your wards and districts, and calmly and peacefully, but firmly, with the spirit of true men and good citizens, claim and insist upon your rights. We should fain believe that to most of you, they will even yet be accorded. At least do not forfeit them by your supineness and neglect. Let the responsibility of their destruction be on others. Already we see signs of an awakening sense of justice. Notwithstanding all that has occurred during the last few years, we would yet desire to believe that the disfranchisement of four-fifths of our fellow-citizens cannot be a spectacle that would bring ought but pain to every American citizen who is worthy of the name.

Distinguished men, identified with the party responsible for this law, have already lifted their voices in eloquent and indignant protest against the cruel policy and harsh features which mark it. They have demanded that until it shall be repealed, as they declare it ought to be, it should, at least, be executed in a fair and liberal manner, with a view to a speedy restoration of general harmony throughout the State—that the exceptional state of things that led to the law having passed away, the law should cease, or its execution should be tempered by every liberal interpretation that can be placed upon its provisions. As it stands upon our statute book, and as it is being applied in some quarters, it is in marked contrast and hostility to the wise and just policy of conciliation which distinguishes the dealings of President Johnson with the Southern States.

But let us be true to ourselves and all will yet be well. In the fixed and determined resolution to maintain our rights ourselves, lies the surest guaranty of their safety. We invoke you, in conclusion, by every consideration of the duty you owe yourselves, your fellow-citizens and your State, to take this resolution and persevere in it to the end.

ODEN BOWIE,

Chairman Democratic State Central Committee.

A. LEO KNOTT, *Secretary.*

BALTIMORE, *Sept. 2, 1865.*

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